



Security Council

Sixty-sixth year

Provisional

6541st meeting

 Tuesday, 31 May 2011, 11 a.m.
 New York

<i>President:</i>	Mr. Araud	(France)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Barbalic
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Alzate
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Kumar
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation of Libya

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-35804 (E)



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The meeting was called to order at 11.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Pascoe.

Mr. Pascoe: I appreciate this opportunity to brief the Security Council on the situation in Libya, as requested in resolution 1973 (2011). Let me start with a brief summary of the latest developments in Libya.

It has now been three months since the political crisis began. Fighting between Government and opposition forces continues, particularly in the western part of the country. The NATO-led Operation Unified Protector has intensified its operations in Libya, with repeated claims by the Government of Libya of civilian casualties. Defections from the regime seem to again be on the rise, including those of eight generals from the Libyan military who are now in Italy, along with many of their officers. They have appealed to others in the military to join them and to stop the atrocities being committed against their people.

Opposition forces have gained control of Misrata and reportedly pushed Government troops westward, but there continues to be fighting on the outskirts of Misrata and the city is only accessible by sea. The Government forces have intensified their campaign to take strategic positions in the western Nafusa mountains, especially in areas surrounding the city of Yafran, where more than 54,000 Libyans have fled into Tunisia.

The battle between the opposition and Government forces continues on the Libyan-Tunisian border and has at times spilled over into Tunisia. Tensions between refugees and local residents along the border have escalated. Unrest at Choucha Camp in Tunisia on 23 and 24 May resulted in the deaths of four camp residents and the injury of 19 others. On 27 May, two-thirds of the camp was looted or burned. The humanitarian community and the Tunisian Government

are now discussing the security, location and composition of the camp in Tunisia. Approximately 3,000 refugees, mainly from Côte d'Ivoire, Eritrea and Somalia, live in the camp.

The human rights situation remains deeply troubling. In her briefing to the Human Rights Council yesterday, the High Commissioner for Human Rights condemned the brutality and magnitude of measures taken by the Government of Libya and described its actions as being "particularly shocking in their outright disregard for basic human rights". We have also seen very serious reports of sexual violence against women, including gang rapes by the military forces.

Since the start of the conflict, about 893,000 people, mostly migrants, have left Libya and have not returned. Some 5,000 people remain stranded at border points in Egypt, Tunisia and Niger. There are also reports of many Chadian workers stranded at the border with Chad. Perhaps 50,000 internally displaced people are living in settlements in the east. Some are returning to Ajdabiya. To date, around 14,000 people have arrived by boat in Italy and Malta; at least 1,200 people have died or are missing as a result of the journey. Hundreds of people who fled to Tunisia and Egypt in recent weeks have crossed back into Libya, apparently planning to board ships to Europe.

According to the Transitional National Council (TNC), 6,000 families in Benghazi district require assistance. Although there are some medicine shortages, stocks of food, water and medical items are sufficient in opposition-controlled areas. However, fuel and cash shortages continue to affect daily life. In Tripoli, shortages of fuel, infant formula, food commodities and drug are being reported. Food availability in the west is estimated to be sufficient for a month. The Government of Libya has requested the intervention of the United Nations to allow shipments of gasoline to be permitted to enter the country to ensure the continuation of basic services.

The TNC estimates that it has only 40 per cent of the funds needed to cover its budget for April and May. Over 13,700 people have been evacuated from Misrata, and the situation has eased in the city. On 21 and 22 May, the seventh ship of the International Organization for Migration to Misrata delivered additional food supplies and allowed for the deployment of an inter-agency team to carry out an initial assessment of humanitarian needs in Misrata.

The revised \$407-million regional flash appeal for the Libyan crisis is currently funded at about 46 per cent, with \$185 million committed and over \$4 million in pledges. The revised appeal has a stronger focus on humanitarian action inside Libya, and targets 1.7 million people in need.

The United Nations has established international presences in Tripoli, Benghazi and Tobruk. As members of the Council know, due to the deteriorating security situation United Nations staff in Tripoli had to relocate on 2 May, but after discussions with the Government on security and other arrangements for humanitarian agencies, a United Nations humanitarian team, led by the Humanitarian Coordinator, returned to Tripoli on 29 May and will stay on for 10 days.

Please allow me to outline some of the political efforts of the Secretary-General, his Special Envoy and other actors.

The parties in Libya remain far apart on even beginning negotiations to resolve the conflict. The Libyan Government has repeatedly called for a ceasefire, including an end to NATO operations, as a prerequisite for negotiations. For its part, the TNC maintains that negotiations on a ceasefire and other related aspects can start only with the removal from power of Colonel Al-Qadhafi and members of his family, and the withdrawal of the Libyan army from cities forcibly occupied after the outbreak of hostilities.

The Secretary-General and his Special Envoy to Libya, Mr. Abdel-Elah Al-Khatib, the African Union (AU) and other stakeholders have been making every effort to narrow these differences and to begin a credible negotiating process. The Secretary-General has been in almost daily discussions with Libyan authorities and world leaders on the situation in Libya. In several telephone conversations with the Libyan Prime Minister, Mr. Al Baghdadi Ali Al-Mahmoudi, the latest of which took place on 24 May, the Secretary-General reiterated the urgent need for a real ceasefire and serious negotiations on a transition to a Government that fully meets the aspirations of the Libyan people. The Prime Minister has stuck to the stated positions of the Government and called for an end to the coalition bombing campaign.

The Secretary-General attended the extraordinary summit of the Assembly of the African Union on 25 May, which was devoted mainly to discussions on the Libyan crisis. During those discussions, which also

included the Special Envoy and me, a number of open and frank discussions took place with leaders of African countries and the AU. Since the Security Council had had similar discussions a few days earlier with the African Union Peace and Security Council, I will not go into detail here today.

While there were strongly divided comments by leaders at the meeting, the final communiqué stated that only a political solution to the current conflict would make it possible to promote sustainable peace in Libya and fulfil the legitimate aspirations of the Libyan people. It called for an end to the coalition bombing campaign. It also called on the African Union High-Level Committee on Libya to visit Libya, and the AU Peace and Security Council to consider the deployment of AU observers and monitors to Libya, dispatch a ministerial delegation to New York to interact with the Security Council, and take practical steps to engage concerned partners on the AU road map.

At the margins of the summit, the Secretary-General held a meeting with the Libyan Foreign Minister, Mr. Abdulati Al-Obeidi, and close confidantes of Colonel Al-Qadhafi. The Secretary-General reaffirmed that his Special Envoy is ready to conduct indirect talks with both sides and emphasized the need for serious detailed dialogue and a cessation of hostilities by both sides. He said that Mr. Al-Khatib would be returning to Tripoli soon for substantive discussions that could lead to a solution responding to the will of the Libyan people. The Foreign Minister and his delegation noted that they were willing to work with the Special Envoy and asked the United Nations and the AU to declare a ceasefire that would include a stop to NATO air strikes, and then to organize elections. He proposed that an election be organized by the AU and the United Nations, adding that Colonel Qaddafi would respect the will of the people in such an election.

At the Group of Eight (G-8) summit in Deauville, France, the Secretary-General called for increased support for humanitarian assistance for the affected populations in the country and in neighbouring countries. He met with many leaders, including the Chairperson of the African Union Commission, Mr. Jean Ping, and the Secretary-General of the League of Arab States, Mr. Amre Moussa. In their final declaration, G-8 leaders demanded the immediate cessation of the use of force against civilians by the Libyan regime forces, as well as the end of all

incitement to hostility and violence against the civilian population. They stressed the central role of the Secretary-General's Special Envoy to Libya, Mr. Al-Khatib, in facilitating an inclusive and lasting political solution, based on the legitimate demands of the Libyan people and taking into account the role of regional organizations, the League of Arab States and the African Union.

For his part, the Secretary-General's Special Envoy to Libya, Mr. Al-Khatib, has focused on two key issues in the past month.

The first has been to ensure that the initiatives of various Member States and regional organizations are coordinated and that the Government and the Transitional National Council are receiving similar messages from the international community. The Special Envoy has also been consulting closely with interested Governments, the African Union, the League of Arab States, the Organization of the Islamic Conference and the European Union, including at the 30 May meeting of all five organizations in Cairo.

Secondly, the Special Envoy has been working to narrow the differences between the two parties so as to get indirect talks under way. He presented his proposals to Government officials in Tripoli on 15 May and to the interim TNC representatives in Doha on 24 May. The proposals revolve around the need to end hostilities, agree on a transitional arrangement, provide safe humanitarian access and fully implement Security Council resolutions 1970 (2011) and 1973 (2011). The Special Envoy held extensive discussions with both parties on a general framework for negotiations and on their perspectives on how to meet the legitimate demands of the Libyan people in establishing constitutional and democratic governance.

Although their positions remain far apart, the authorities in Tripoli and the representatives of the TNC reiterated their continued commitment to work through the Special Envoy. The Special Envoy will return to Tripoli this week, if possible, and report to the Council on his efforts at its convenience.

As the Security Council is aware, the Secretary-General initiated a regional and international partnership on Libya by co-chairing a meeting with the African Union, the European Union, the League of Arab States and the Organization of the Islamic Conference on 14 April. I chaired a similar meeting on 5 May in Rome. The Secretary-General also held

extensive discussions in Addis Ababa with African Union members. A meeting was held yesterday in Cairo, chaired by the outgoing Secretary-General of the League of Arab States and attended by Special Envoy Al-Khatib. It focused on coordinating positions to end the conflict. Again, the discussions were frank and involved considerable give-and-take on how to tackle the issues. In all of those meetings, the United Nations has sought to maintain emphasis on a unified message that holds the possibility of early success.

On 30 May, President Jacob Zuma of South Africa visited Tripoli and held discussions with Colonel Al-Qadhafi. I am sure that the South African representative will have more authoritative statements, but according to press reports, President Zuma emphasized the African Union's road map and the communiqué of the African Summit. It seems apparent from the reports that Colonel Al-Qadhafi held to the well-known Libyan positions repeated by his Prime Minister and other Government spokesmen.

Paragraphs 4, 7 and 8 of resolution 1973 (2011) request Member States and regional organizations or arrangements concerned to inform the Secretary-General immediately of the measures they are taking regarding the protection of civilians, humanitarian exemptions and compliance with the ban imposed on flights in Libyan airspace. Since the adoption of this resolution, the Secretary-General has received more than 40 communications from more than 20 Member States and regional organizations and arrangements, informing him of actions taken with respect to the implementation of the resolution. The majority of those communications relate to paragraphs 4 and 8, and the remainder relate to humanitarian exemptions under paragraph 7.

In addition to the letters addressed to the Secretary-General, the Special Envoy has received more than 20 letters and documents from the Government of Libya and the Interim Transitional National Council stating their overall positions and views. In their letters, the Government of Libya state mainly that they have continued to comply with resolutions 1970 (2011) and 1973 (2011), allowing the passage of relevant ships carrying humanitarian aid to those in need, and call upon the United Nations to assist in finding measures to stop bombing of civilians. Through their letters, the Government have requested the assistance of the United Nations to use foreign assets to buy such basic necessities as food supplies

and medicines and to allow fuel for basic services. They also call on the United Nations to assist in ending the military operations.

Last month, I provided the Council with an update on the letter of 26 April from NATO's Secretary General addressed to the Secretary-General conveying its first monthly report. Since then, we have received one weekly report, on 6 May, and a second monthly report, dated 26 May. Both reports have been circulated to Security Council members.

In accordance with paragraph 24 of resolution 1973 (2011), the Secretary-General has appointed seven experts to serve on the Panel of Experts established by that resolution to assist the Committee established pursuant to paragraph 24 of resolution 1970 (2011) in carrying out its mandate as specified in resolutions 1970 (2011) and 1973 (2011). The experts were selected on the basis of their professional merit, with due consideration for geographical diversity, gender balance and focus of expertise. They are expected to meet with the Committee for the first time on the 6 June.

Let me conclude by making three points.

First, protection of civilians in areas where the fighting is taking place still remains a fundamental concern. I reiterate the Secretary-General's appeal for increased support for humanitarian assistance to

affected populations both in Libya and in neighbouring countries. All parties to the conflict must of course take measures to spare civilians from the effects of the hostilities.

Secondly, in the political process, our immediate goal is to secure a commitment from the parties to engage in indirect negotiations based on the proposals presented to them by the Special Envoy. We believe that this process is crucial in our efforts to find a lasting solution to the crisis. It also responds to the legitimate demands of the Libyan people and to resolutions 1970 (2011) and 1973 (2011).

Finally, we are making progress on contingency plans for post-conflict peacebuilding. As the Secretary-General mentioned in Addis Ababa last week, the Special Adviser, Mr. Ian Martin, has initiated a pre-assessment process focusing on six areas: political, security apparatus, rule of law and human rights, economic recovery, public administration and physical infrastructure. Of course, the plan will be guided by the principle that the fate of Libya is to be decided by the Libyan people and that their representatives must determine what assistance they would like, in the end, from the international community.

The President (*spoke in French*): I thank Mr. Pascoe for his statement.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.30 a.m.



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Provisional

6542nd meeting

Tuesday, 31 May 2011, 3 p.m.
New York

<i>President:</i>	Mr. Araud	(France)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Barbačić
	Brazil	Mrs. Dunlop
	China	Mr. Yang Tao
	Colombia	Mr. Alzate
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Kumar
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2011/314*)

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11-35810 (E)



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The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2011/314*)

The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representative of the Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Alain le Roy, Under-Secretary-General for Peacekeeping Operations, to participate in this meeting. In accordance with the same rule, I invite Mr. Haile Menkerios, Special Representative of the Secretary-General for the Sudan, to participate in this meeting. Also in accordance with that same rule, I invite Mr. Ezekiel Lol Gatkuoth to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I would like to draw the attention of Council members to document S/2011/314*, which contains the special report of the Secretary-General on the Sudan.

I now give the floor to Mr. Le Roy.

Mr. Le Roy (*spoke in French*): The interim period covered by the Comprehensive Peace Agreement (CPA) will come to a close, as we all know, on 9 July 2011. Much has been accomplished since the Government of the Sudan and the Government of South Sudan signed the CPA on 9 January 2005, including the holding of national elections and the referendum on South Sudan's self-determination. Moreover, the security mechanisms agreed to by the parties under the CPA and implemented with the assistance of the United Nations Mission in the Sudan (UNMIS) allowed them to deal with many security concerns in a peaceful manner, thereby avoiding, in very many instances, resort to armed hostilities during this interim period.

However, while much has been achieved, a number of key CPA issues remain outstanding, as we all know. These include in particular the status of Abyei, the conclusion of the popular consultations in

the Southern Kordofan and Blue Nile States and the demarcation of the border. An agreement on issues linked to the period following the succession of South Sudan, including wealth-sharing and citizenship, is yet to be achieved. The parties are negotiating the remaining CPA issues as a comprehensive package. Of all these issues, the questions of Abyei and sharing of oil resources are of course the two most critical political and economic issues.

(*spoke in English*)

In a positive development, on 30 May the parties signed a joint position paper on border security that they had finalized on 4 April. The parties agreed on the establishment of a common border zone and the architecture required to jointly manage this zone. However, an agreement on a third-party mechanism to assist the parties in implementing the agreement remains outstanding.

In this context, and as members of the Council are aware, the security situation in Abyei has been a concern for some months. Following clashes in early January 2011, the parties signed the Kadugli agreements on 13 and 17 January. These agreements included provisions to address security and migration concerns. On 4 March, the parties further agreed to withdraw all armed elements from the Abyei area except the Joint Integrated Units and the Joint Integrated Police Units.

While containing the security situation over some months, the Government of the Sudan did not withdraw its oil police, the Popular Defence Forces (PDF) and Misseriya militias. For its part, the Government of Southern Sudan did not withdraw the police elements unilaterally deployed from Juba since August 2010 and those locally recruited in the Abyei area.

In the meantime, UNMIS observed a build-up of armed elements from both sides. Since 3 May, Sudanese Armed Forces (SAF) and Misseriya militia have blocked key roads linking the North and South Sudan, inflicting hardship on the civilian population along the southern side of the border. A number of incidents were also reported, including a Southern Sudan Police Service (SSPS) attack on an SAF Joint Integrated Unit camp on 1 May at Todach, killing 11 SAF soldiers. On 10 May armed Misseriya attacked an UNMIS patrol near Diffra, injuring four peacekeepers. On 19 May, a SAF convoy, escorted by UNMIS, was attacked in an area controlled by the SSPS.

As the Council is aware, the SAF launched an offensive and captured Abyei town on 21 May. By 22 May, the SAF had taken control of the area up to the Kiir/Bahr el-Arab River. The civilian population of Abyei town fled the area before the attack. It is estimated that more than 40,000 people were displaced by the fighting in and around Abyei town. On 21 May, President Al-Bashir issued two decrees disbanding the Abyei area institutions and relieving its officials from their positions.

The attack on Abyei was accompanied by large-scale looting and burning of property, including the World Food Programme warehouse in Abyei, by Misseriya and PDF elements. While the SAF in Abyei assured UNMIS that it would take measures to prevent such incidents, intermittent looting and arson continue despite increased patrolling by UNMIS in the area.

Humanitarian organizations are addressing the needs of displaced persons. Food and emergency items are being distributed, and medical and nutritional screening is taking place in 11 health posts and 7 nutrition centres in Warrab State. Recent assessments indicate that the most urgent needs are food, water, shelter and non-food items. The World Food Programme is currently feeding 35,000 internally displaced persons, and humanitarian organizations have reported a return movement into the affected area.

The Government of the Sudan has indicated its willingness to withdraw its troops from the Abyei area only when new security arrangements are agreed by both parties and are in place.

As Council members are aware, on 23 May the Joint Defence Board informed the Sudan People's Liberation Army (SPLA) of its decision that the mandate of the Joint Integrated Units in the Southern Kordofan and Blue Nile States should be disbanded and requested SPLA cooperation in withdrawing and redeploying SPLA forces in these areas south of the 1-1-56 border by 1 June. There are approximately 40,000 SPLA troops emanating from Southern Kordofan and Blue Nile.

On 26 May, the Sudan People's Liberation Movement informed UNMIS that the security situation in the Blue Nile State had become increasingly tense following events in Abyei. UNMIS has received reports that both SAF and SPLA are building up troops in Southern Kordofan. We will continue to monitor

these areas closely and keep the Council informed of any developments.

As the Secretary-General stressed in his report of 17 May (S/2011/314*), which is currently under consideration by the Council, the overarching condition for peace and stability in Sudan and the region remains the establishment of good-neighbourly relations between the North and South. There is an urgent need for the parties to address the outstanding CPA and post-secession issues as soon as possible. As noted by the Secretary-General, in the absence of an agreement, the only forums available to the parties to resolve security issues are the mechanisms established under the CPA and supported by UNMIS.

It was in this context that the Secretary-General had urged the parties and the Security Council to consider a technical rollover of UNMIS that would have provided a transition period until the parties were able to reach a settlement on these issues and set up the requisite implementation mechanisms. While the Government of Southern Sudan has expressed its willingness to discuss a technical rollover of UNMIS, in a meeting with the Secretary-General this morning, the Permanent Representative of the Government of the Sudan handed to the Secretary-General a letter from his Foreign Minister indicating the Government's appreciation for the work of UNMIS and its decision that with the end of the interim period, the Government of the Sudan had decided that the Mission's mandate should not be continued beyond 9 July 2011.

In light of the Government of the Sudan's decision not to consent to a technical rollover of UNMIS, the United Nations stands ready to deploy a mission in South Sudan as outlined in the Secretary-General's report. In the meantime, it is imperative that both parties respect the terms of the Kadugli agreements, refrain from taking offensive military action, and work in an open and flexible manner with the African Union High-Level Panel towards finding a lasting solution for Abyei and all other pending issues. The United Nations stands ready, as always, to assist them to do so.

The President (*spoke in French*): I thank Mr. Le Roy for his statement.

I now give the floor to Mr. Menkerios.

Mr. Menkerios: As highlighted by Under-Secretary-General Le Roy, the prospects for peace

consolidation between northern Sudan and southern Sudan, soon to be two separate countries, will remain contingent upon the quality of relationship they establish between them, and such a relationship will largely be shaped by the agreements they reach on residual Comprehensive Peace Agreement issues and post-referendum arrangements.

I therefore cannot stress enough the critical nature of the ongoing negotiations on these issues and the responsibility that rests on the leaders of the two sides to reach agreements that will provide the foundation for peace and security in the Sudan, South Sudan and the region as a whole. It is essential that the leaders of both sides demonstrate the political will necessary to find solutions to these issues and agree on mechanisms for their implementation, with particular focus on a border management mechanism and on a lasting solution for Abyei. There is no time to lose.

So far, although some progress has been made in the negotiations regarding some of these issues, lingering disagreements on others — and in fact the worsening of the situation in Abyei, for instance — threaten a further deterioration of relations that could hamper the establishment of two viable States at peace within and between them. That would also negatively affect the entire region, thus constituting a continuing threat to international peace and security which the international community has invested so much so far to avoid.

I would like to express here, however, that with the concerted efforts of the international community and the countries of the region to urge, encourage and assist the two parties to do what is right for their future, it will be possible for them to avoid an acrimonious divorce with lasting consequences.

As Mr. Le Roy's statement fully covered the realities as they are, I do not have much to add here, but I stand ready to answer any questions in this regard, here or in the closed consultations of the Council.

The President (*spoke in French*): I thank Mr. Menkerios for his statement.

I give the floor to the representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): I am pleased to congratulate you, Sir, on your last day as President of the Security Council and to thank you for having convened this important meeting. We also

congratulate your country, France, on its judicious management of the Council's work this month.

This meeting is being held following the return of the Security Council mission to several countries of Africa, including my own, the Sudan, as we approach the end of the transitional period on 9 July, representing the final chapter of the implementation of the Comprehensive Peace Agreement (CPA). Just as that historic Agreement has been extremely important to the Government of the Sudan, so has been our bearing of the responsibility to implement it as a strategic objective. In practical terms, we have proven to be the wiser and more restrained party to the Agreement, in spite of the excesses of our partner and all the obstacles to the CPA's implementation. Our commendable record of acceptance of various proposals and suggestions is ample testimony to that effect. Thanks to all these efforts, we are now on the threshold of the end of the transitional period, although several issues remain pending that we had hoped to settle definitively had our partner embraced a spirit of commitment commensurate with ours.

As we discuss the report of the Secretary-General (S/2011/314*) — which, *inter alia*, recommends the establishment of a United Nations mission in South Sudan following the drawdown of the United Nations Mission in the Sudan (UNMIS) — we must take into account the main point of reference represented by the establishment of that mission. In that regard, we recall the letter we sent to the President of the Security Council on 25 May 2004 (S/2004/425), in the light of which the Security Council adopted presidential statement S/PRST/2004/18 and resolution 1547 (2004), mandating a political mission to assess the anticipated role of the United Nations at that time in monitoring the implementation of the Comprehensive Peace Agreement.

With respect to resolution 1590 (2005), mandating the establishment of UNMIS following the signing of the CPA under Article VI of the Charter, we reiterate our gratitude to the United Nations and its vital role in the implementation of the CPA and in assisting the two parties to the Agreement over the past five years. We also appreciate the important role it has played in monitoring various aspects of the CPA.

As we have repeatedly stressed, 9 July is a landmark date that must be respected. We reiterate here that the end of the transitional period on that day, in accordance with the CPA and including the drawdown

of UNMIS in northern Sudan, is of great importance to us, pursuant as it is not only to the CPA but also to the Constitution of the Sudan and the relevant resolutions of the Security Council, starting with resolution 1590 (2005) and ending with resolution 1978 (2011) extending the UNMIS mandate until the end of the transitional period on 9 July.

The Government of the Sudan has addressed a letter to the Secretary-General to that effect, in light of the contents of paragraph 80 of his report, in which he urges the two parties to consider a three-month technical rollover of the Mission. In the letter, the Government of the Sudan stresses the importance of ending the Mission on 9 July, in accordance with the relevant resolutions.

Any attempt to use pending issues to justify the continuation of the Mission is indefensible. The so-called pending issues will be settled at the negotiating table in the course of serious negotiations between the two parties. There have been efforts at mediation, such as those of President Mbeki, who is working strenuously to assist the two parties in settling pending issues. Council members will recall our numerous appeals to the international community, and the Security Council in particular, to assist the two parties to settle the pending issues, including the matter of Abyei. In our statements, we have spoken repeatedly and at length on this matter, to the extent that some have found us to be unnecessarily repetitive.

Current developments in Abyei have made clear to all the need for the assistance we have sought. Those developments are not surprising, given the earlier violations by the Sudan People's Liberation Movement (SPLM) in March, when it killed many Sudanese Armed Forces soldiers. At that time, we exercised wisdom and restraint, making possible the two Kadugli agreements of 13 and 17 January, which stipulate the withdrawal of all forces from the Abyei area, to be replaced by joint forces of the two parties. However, the other party did not commit to those agreements and left its forces in the area, including 20 soldiers masquerading as police officers.

Provocative attacks by such groups followed, including the kidnapping of six members of the Sudanese Armed Forces. In that instance, too, we showed wisdom and restraint. The abducted six had been deployed as members of joint integrated units when they were kidnapped by the SPLM. On

12 February, 12 northern merchants were killed and their goods destroyed. At the time, the Political Committee considered ways to contain the situation and reasserted the importance of commitment to the Kadugli agreements. However, members of the Committee were pelted after the meeting.

The Joint Defence Board also held a meeting about the situation, but was unable to contain it in the face of continued provocations and attacks. SPLM forces set a trap for the joint integrated units in which 14 soldiers were killed and 11 wounded. The aggression did not stop there. SPLM forces continued in cold blood to attack joint integrated units that included members of our armed forces. No violations could be more glaring. United Nations units were also targeted in the attacks of 19 May, which killed 22 soldiers and wounded many others.

The time came to put a stop to the killing. As I mentioned, we have always exercised restraint and acted wisely. I chose to come personally to present all this information to the Council, the Secretary-General and the Under-Secretary-General for Peacekeeping Operations, and I have done so over the past days and weeks. Regrettably, the violations have continued and strong messages were not sent to put an end to the attacks. Patience has its limits. Our armed forces could not continue to be openly fired on without defending themselves. Moreover, given all the violations, it was necessary to restore security and the rule of law in the Abyei area. That is what our armed forces have been doing there. I would like to stress that our presence in the Abyei area, as noted by the Under-Secretary-General, is not permanent and will continue only until a political and security agreement is signed that guarantees an end to such provocations and attacks by the SPLM.

I trust in the wisdom of the Council, because I know for a fact that it always addresses the root causes of any crisis and not just the symptoms. The armed forces currently present in the Abyei area are 14 miles to the north of the 1156 line. That is a reflection of our full commitment to the provisions of the CPA.

Meanwhile, the forces of the SPLM are deployed to the south of Bahr el-Arab, in flagrant violation of the provisions of the CPA. Therefore, keeping the status quo — that is, the Sudanese Armed Forces to the north of Bahr el-Arab and the southern forces to the south of Bahr el-Arab — would facilitate reaching a

new security and political agreement that would lead to the redeployment of joint integrated units in the area. Otherwise, a more effective mechanism could be found to replace both the Sudanese Armed Forces and the Sudan People's Liberation Army (SPLA), taking into account the proposal made by President Mbeki, head of the African Union High-level Implementation Panel, to deploy a joint African police force in the area that would enable both parties to withdraw their forces. His proposal also included the establishment of an international mechanism in the area to monitor the boundaries between the two parties. The proposal is currently under consideration and proved its viability before the signing of the CPA, when it was made by Mr. Danforth. There are many precedents and lessons learned that we can take into account in that regard.

In conclusion, we would like to reiterate the fact that the presence of our armed forces in the Abyei area has been made necessary by the successive violations by the other party. Moreover, as we have mentioned, it is not a permanent presence. It will continue only until mutual agreement is reached about a mechanism for stability and security in the area. I would like to confirm that our presence cannot by any stretch be called an occupation. We are a sovereign country, and movement of our troops from one area to another within our country is simply movement; it is not an occupation in any way.

At the same time, we would like to assure the Council of our continued efforts to reach a peaceful settlement of the pending issues, including the boundaries and the mechanism for monitoring them, assets and debts, citizenship, international agreements, and so forth. No matter how many violations may be committed by the other side, we will not deviate from our main goal: to reach agreed settlements on those issues in a way that allows for the establishment of a secure and stable State in Southern Sudan enjoying ties of cooperation with the North.

The President (*spoke in French*): I now give the floor to Mr. Gatkuoth.

Mr. Gatkuoth: I am grateful for the opportunity to address the Security Council and to present the views of the Government of Southern Sudan. I wish to convey to the Council the greetings of the Minister for Regional Cooperation, His Excellency Deng Alor Kuol, and to pass on his regret at being unable to make

the journey to New York to attend this meeting, given recent events on the ground.

On behalf of the Government and people of Southern Sudan, I wish to express to the Council my appreciation for its focus on and attention to events in the Sudan, and for its efforts to support full and final implementation of the Comprehensive Peace Agreement (CPA). In that connection, we greatly appreciate the Council's visit to the Sudan and Southern Sudan in the past week. We would also like to express our sincere appreciation for the work of His Excellency the Secretary-General, Mr. Ban Ki-moon, and his Special Representative, Mr. Haile Menkerios, in support of the CPA process. And we are grateful for the continued support of the African Union High-level Implementation Panel under the able leadership of President Thabo Mbeki.

The Government of Southern Sudan welcomes the Security Council's recent extension of the mandate of the United Nations Mission in the Sudan (UNMIS). My Government confirms its request for a continued United Nations presence in Southern Sudan following our declaration of independence on 9 July 2011. In that regard, we welcome the recent special report of the Secretary-General on Sudan (S/2011/314*), as well as the work that has so far been done by the United Nations to plan for the establishment of a new mission to succeed UNMIS in Southern Sudan.

It is impossible to consider the question of the structure of the United Nations presence in Southern Sudan after independence without looking at the context in which the new State will be born, including regional dynamics. The internal issues in Southern Sudan referred to by the Secretary-General cannot be analysed or addressed separately from the state of North-South relations. As the Secretary-General noted, that relationship remains the overarching factor impacting peace and stability on both sides of the border.

My Government concurs with the Secretary-General that many of the security issues that affect South Sudan are directly related to the bilateral security issues between North and South. Our goal is to see peaceful coexistence between the two neighbouring States of South Sudan and the Sudan. Recent events have demonstrated how great a challenge this will be, and that continued third-party support will be critical if it is to be achieved.

With that in mind, the overriding priority for the Government of Southern Sudan is to ensure ongoing support by the United Nations for North-South security arrangements, especially at the border. We welcome the progress made by the parties in Addis Ababa yesterday, establishing an agreed security framework governing the North-South relationship after 9 July.

Yet as the Secretary-General himself noted in his report, implementation of the security agreements during the interim period has proved challenging, and any future agreements will thus require external support. We believe that the United Nations is best placed to provide such support and that the United Nations must have freedom of movement and the ability to monitor both sides of the border. This is a requirement of the CPA and is also in the interests of both parties.

In that context, we note and welcome the offer made to the parties by the Government of Ethiopia. The Government of Southern Sudan has accepted the offer, and we encourage the Government of the Sudan to do the same.

We suggest that the main objective of the United Nations should be to avoid a security vacuum after 9 July. Should UNMIS have to be drawn down on that date without an agreed mechanism mandated to monitor and observe the situation at the border, the international community would be left unable to respond effectively to threats to international peace and security in those border areas. The United Nations may need to plan for the possibility that peacekeepers might have to be deployed only on the southern side of the future border.

The Secretary-General's current proposal for a mandate for a military force in South Sudan after 9 July would only address issues within the borders of the new State, with a focus on helping the Government to extend the rule of law and protect civilians. Monitoring the border would require more troops than the 7,000 recommended by the Secretary-General and would have a different focus from that suggested in the report. The United Nations must do what is necessary to promote the security of both States, and the United Nations mission, or another agreed mechanism, will require appropriate military resources.

The role of the United Nations in border security is paramount, given the situation in Abyei, about which the Government of Southern Sudan is extremely

concerned. The recent occupation of Abyei by the Sudanese Armed Forces is a serious violation of the CPA. Khartoum's actions over the past week represent a grave escalation that risks provoking a resumption of armed conflict between the two parties. The Security Council must intervene swiftly and decisively. We call on the Security Council once again to condemn unreservedly this move by Khartoum to take Abyei by force, and to demand that the Sudanese Armed Forces withdraw from Abyei immediately and unconditionally. UNMIS and the humanitarian agencies must be allowed full access to the area, consistent with Khartoum's international obligations.

The Government of Southern Sudan regrets the shooting incident that led to an exchange of fire between the two sides on 19 May, threatening a United Nations convoy in the Abyei area, and deplores the loss of life that resulted. We support the call by UNMIS for a joint investigation into those events, and we will cooperate fully in the process. Those responsible must be brought to justice, including by criminal prosecution. But that unfortunate event is not connected with, nor does it in any way justify, the excessive use of force by Khartoum in seeking to occupy Abyei and to prejudice full and final implementation of the CPA. Khartoum's irresponsible actions have put all progress under the CPA in serious jeopardy, and they threaten to unravel six years of hard work at the most decisive moment.

This invasion has also had serious humanitarian consequences. The full impact of the violence in Abyei — including civilian casualties and the number and whereabouts of persons displaced — is not yet known. We regret that the United Nations peacekeeping forces, which have a robust mandate to protect civilians in imminent danger, reportedly remained inside their compound during the military attacks by the Sudanese Armed Forces. The Sudanese Armed Forces and their proxies have now torched Abyei town and have facilitated the influx of nomadic Arab Misseriya people into the area.

Thousands of civilians have fled the area. This attempt to alter Abyei's demography by force should be condemned by the Council in the strongest terms. By burning Abyei and forcing the civilian population out, the National Congress Party (NCP) has in effect sought to repudiate its obligations under the Abyei Protocol of the CPA and has made it very difficult to hold the required referendum in the short term. We call on the

NCP to reopen the border so that the people who have been displaced from their homes can return, and to allow humanitarian organizations to deliver the assistance required.

We also reject and condemn in the strongest terms the issuing of decrees by President Al-Bashir attempting to dissolve the Abyei Administrative Council and dismiss the Council's staff. The Abyei administration must be reinstated immediately and the special administrative arrangements for Abyei must remain in place until a mutually acceptable solution is found.

Until such a solution is found, Abyei belongs neither wholly to the North nor to the South. We therefore reject the National Congress Party (NCP) claims that Abyei is part of the North. The parties' obligations with respect to Abyei were very clearly spelled out in the CPA, including in the Abyei Protocol. This required the holding of a referendum to determine whether Abyei should remain in the North or return to the South, from where it was transferred for administrative reasons in 1905. We believe in the internationally accepted principle that the transfer of administration does not entail the transfer of territory.

The implementation of the terms of the Abyei Protocol and the holding of the referendum were delayed by Khartoum, which has been allowed over time to shirk its legal obligations with respect to Abyei. In an attempt to find a peaceful solution, the Government of Southern Sudan accepted referral to binding arbitration. The 2009 award of the Permanent Court of Arbitration (PCA), setting out the boundaries of Abyei, is binding upon the parties and must be implemented.

The Government of Southern Sudan remains committed to the negotiation process led by the African Union High-level Implementation Panel and to reaching a political agreement that is consistent with the terms of the PCA award, as the Security Council itself has recently called for. This means that the integrity of Abyei's borders as defined by the PCA must be respected as the foundation of any solution. The negotiation process must be supported and accelerated. The Council must understand and acknowledge, however, that Khartoum has a history of making agreements over Abyei and then later failing to honour them. We appeal to Council members to use their good offices to urge the NCP to reach a definitive

and binding agreement, and to work with the Government of Southern Sudan to finalize the implementation of the CPA.

We also reject unequivocally any suggestion by Khartoum that the CPA has been fully implemented. The CPA is a legal agreement binding on the parties, and crucial obligations remain to be fulfilled, for example relating to Abyei, Southern Kordofan and Blue Nile. The North cannot unilaterally withdraw from these outstanding obligations. Further, the parties agreed in the CPA to a United Nations mission to monitor the Agreement's implementation, and the North cannot withdraw its consent for this United Nations mission before the CPA obligations are fulfilled and no longer relevant.

We note that, in accordance with the provisions of the CPA, an independent State in Southern Sudan will become a reality on 9 July. The Government of Southern Sudan welcomes the Secretary-General's proposals for United Nations support to the new State to meet political, security and protection challenges in a way that will build its authority and create an enabling environment for State-building and socio-economic development. We believe that the United Nations should move forward with the establishment of a peace consolidation mission in South Sudan as of 9 July. If there is no agreement between the CPA parties on a continued international presence in the border areas, the mandate of that mission may need to include a border-monitoring component in the South.

We welcome the Secretary-General's intention to establish an advance team composed of a senior management group with the required specialized expertise to set up the core capabilities of the new mission, and encourage the advance team to start its work immediately. The Government of Southern Sudan looks forward to consultations with the United Nations on the appointment of the Special Representative of the Secretary-General and of other senior United Nations officials to the new mission.

We note that the protection of civilians is first and foremost the sovereign responsibility of the Government, as the Secretary-General notes in his report. The Government of Southern Sudan accepts fully its responsibility for the protection of civilians in South Sudan. We also agree with the recommendation that external support to the Government to build its capacity to protect civilians should be primarily a

civilian activity. The Government of Southern Sudan welcomes the Secretary-General's recommendation of a mandate under Chapter VII of the Charter to provide, within capabilities, physical protection to civilians under imminent threat of physical danger, including through the use of force as a last resort.

The Government of Southern Sudan welcomes the Secretary-General's recommendation that the Government and local stakeholders be assisted in preventing conflict, consolidating the peace, strengthening the multi-party system and addressing issues related to peace, governance and reconciliation. In this context, we would like to reaffirm the importance of national ownership and to express our desire to work in partnership with the United Nations system. We note that a drawdown of the mission would be based on benchmarks agreed together by the Government of Southern Sudan and the Security Council, and would welcome early consideration of such benchmarks.

Lastly, we welcome the suggestion that the mission play a coordination role in bringing together international actors to speak with one voice in helping the new Government to address the challenges of peace consolidation.

Obviously many details regarding the structure of the United Nations presence remain to be worked out. We would welcome frequent and detailed dialogue with the Council and the Secretariat over the coming weeks.

I would like to close by repeating the words spoken by His Excellency President Salva Kiir in Juba last week. We remain committed to peace, but this should not be interpreted as cowardice. We will not go back to war because we have fought enough. We refuse to be provoked. Southern Sudan will become independent on 9 July, and we look forward to the Council quickly recognizing this in the days thereafter. But we must also ensure that the new State is stable, secure and at peace with its neighbours. This is our common challenge and our common responsibility.

The President (*spoke in French*): I thank Mr. Gatkuoth for his statement.

There are no further speakers inscribed on my list. I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 4 p.m.



Security Council

Distr.: General
3 June 2011

Original: English

Official communiqué of the 6543rd (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Friday, 3 June 2011, at 10 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

“On 3 June 2011, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 6543rd meeting in private with the troop- and police-contributing countries to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

“The Security Council and the troop- and police-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Roger Meece, Special Representative of the Secretary-General and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

“Members of the Council, Mr. Meece, and representatives of participating contributing countries had an exchange of views.”



Security Council

Sixty-sixth year

Provisional

6544th meeting

 Friday, 3 June 2011, 4 p.m.
 New York

<i>President:</i>	Mr. Messone	(Gabon)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Vukašinić
	Brazil	Mr. Vargas Garcia
	China	Mr. Yang Tao
	Colombia	Mr. Alzate
	France	Mr. Jung
	Germany	Mr. Roessel
	India	Mr. Vinay Kumar
	Lebanon	Mr. Khachab
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Zhdanov
	South Africa	Mr. Laher
	United Kingdom of Great Britain and Northern Ireland	Ms. Mace
	United States of America	Mr. Dunn

Agenda

Reports of the Secretary-General on the Sudan

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-36256 (E)



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The meeting was called to order at 5.10 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda.

Following consultations among Council members, I have been authorized to make the following statement on behalf of the Council:

"The Security Council expresses grave concern about the ongoing violence and rapidly deteriorating situation in Abyei since the Council addressed the issue in its 22 May press statement, in which the Council condemned the attack by Southern forces against a United Nations Mission in the Sudan (UNMIS) convoy escorting Sudanese Armed Forces elements of joint integrated units on 19 May in Abyei, and also condemned the escalatory military operations being undertaken by the Sudanese Armed Forces, which have taken control of the area in and around Abyei town.

"The Security Council strongly condemns the Government of the Sudan's taking and continued maintenance of military control over the Abyei area and the resulting displacement of tens of thousands of residents of Abyei. The Council calls on the Sudanese Armed Forces to ensure an immediate halt to all looting, burning and illegal resettlement. The Council stresses that all those responsible for violations of international law, including humanitarian and human rights law, as well as those who ordered those acts, will be held accountable. The Council expresses grave concern about the deteriorating humanitarian situation in the area and praises the efforts of the humanitarian community to deliver emergency assistance, including food, health care, shelter and water, to those affected by the conflict, despite continued insecurity in the region and despite severe limitations on access.

"The Security Council condemns the fact that two of the three main supply routes from the North to the South have been blocked, and that

the Banton Bridge in southern Abyei was destroyed by the Sudanese Armed Forces, which impedes needed trade and makes the return of civilians to Abyei more difficult. The Council calls for immediate measures to restore full access through all routes.

"The Security Council calls on all parties to respect humanitarian principles and allow all humanitarian personnel timely and unfettered access to vulnerable individuals and communities affected by the fighting. The Council further calls for conditions to be created that would allow the prompt and safe return of those displaced from their homes.

"The Security Council strongly condemns all attacks against UNMIS, including those of 24 May and 19 May, which are criminal acts against a United Nations mission and its personnel and which threaten to undermine the commitment of the parties to avoid a return to war.

"The Security Council recalls the commitments made by Vice-President Ali Osman Taha and First Vice-President Salva Kiir that both parties shall remove any unconditional claims to Abyei in their draft national constitutions and urges the parties to avoid inflammatory rhetoric, especially from the leadership, which undermines the mutual commitment of the parties to resolve all remaining Comprehensive Peace Agreement (CPA) and post-CPA issues peacefully through negotiation. The Council again urges both parties to honour these commitments.

"The Security Council expresses grave concern following the reports about the unusual, sudden influx of thousands of Misseriya into Abyei town and its environs, which could force significant changes in the ethnic composition of the area. The Council condemns all unilateral actions meant to create facts on the ground that would prejudice the outcome of negotiations. The Council expresses its determination that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party.

"The Security Council reiterates that the continued military operations of the Government

of the Sudan and militia activities in Abyei constitute a serious violation of the Comprehensive Peace Agreement and the Kadugli agreements. The Council demands that the Government of the Sudan withdraw immediately from the Abyei area. The Council further demands the immediate withdrawal of all military elements from Abyei. The Council demands that the Government of the Sudan and the Government of Southern Sudan cooperate fully with the Special Representative of the Secretary-General and Head of UNMIS and the African Union High-Level Implementation Panel (AUHIP), led by President Thabo Mbeki, to establish immediately a viable security arrangement for Abyei, supported by UNMIS, in which all Sudanese Armed Forces, Sudan People's Liberation Army and allied forces withdraw from the Abyei area. The Council notes that UNMIS remains ready to assist in the implementation of all relevant agreements reached by the parties. The Council underscores that failure by the Government of the Sudan to comply with and to fulfil the CPA jeopardizes the benefits that could flow from such compliance.

"Given the ongoing insecurity in Abyei, the Security Council believes that the security and prosperity of both parties would benefit from a continuing United Nations-mandated presence in Abyei after 9 July, as well as from United Nations assistance for the parties' management of their border after the independence of Southern Sudan. In this context, the Council urges the parties to reach agreement on a continuing United Nations-mandated presence.

"The Security Council stresses that both parties will have much to gain if they show restraint and choose the path of dialogue, including ongoing high-level negotiations between the parties and negotiations under the auspices of the AUHIP and its Chair, President Thabo Mbeki, instead of resorting to violence or provocations.

"The Security Council expresses deep concern about tensions in Blue Nile and Southern Kordofan States. The Council calls for discussions about post-CPA political and security arrangements for Blue Nile and Southern Kordofan States to resume immediately and for all parties to refrain from unilateral action pending the outcome of those negotiations. The Council stresses that the CPA structures intended to stabilize the security situation in Blue Nile and Southern Kordofan States, specifically the deployment of joint integrated units, should continue until their expiration on 9 July. The Council calls on both parties to work to reduce tensions and promote calm in this sensitive region. The Council further underscores the need for the parties to respect the mandate of UNMIS.

"The Security Council underscores the responsibility of the parties to protect civilians, and to respect the UNMIS Chapter VII mandate for protection of civilians under imminent threat of physical violence in Abyei. In this regard, the Council condemns in the strongest terms ongoing threats and intimidation against UNMIS elements. The Council expresses its strong ongoing support for the United Nations Mission in the Sudan, under the able leadership of Special Representative of the Secretary-General Haile Menkerios.

"The Security Council will remain seized of this matter and will meet to review the implementation of this statement in the coming days."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2011/12.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.20 p.m.



Security Council

Sixty-sixth year

Provisional

6545th meeting

Monday, 6 June 2011, 10 a.m.

New York

<i>President:</i>	Mr. Messone	(Gabon)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Dunlop
	China	Ms. Guo Xiaomei
	Colombia	Mr. Osorio
	France	Mrs. Le Fraper du Hellen
	Germany	Mr. Berger
	India	Mr. Manjeev Singh Puri
	Lebanon	Ms. Ziade
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 12 May 2011 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2011/316)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-36334 (E)



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Letter dated 12 May 2011 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, addressed to the President of the Security Council (S/2011/317)

The meeting was called to order at 10.15 a.m.

Expression of thanks to the retiring President

The President (*spoke in French*): I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Gérard Araud, Permanent Representative of France, for his service as President of the Security Council for the month of May 2011. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Araud and his team for the great skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 12 May 2011 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2011/316)

Letter dated 12 May 2011 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, addressed to the President of the Security Council (S/2011/317)

The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representatives of Croatia, Rwanda — in an exceptional manner and after consultations among all members of the Council — and Serbia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite the following to participate in this meeting: Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia; Judge Khalida Rachid Khan, President of the International Criminal Tribunal for Rwanda; Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

I wish to draw the attention of Council members to the following documents: S/2011/316, containing a letter dated 12 May 2011 from the President of International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council; and S/2011/317, containing a letter dated 12 May 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council.

I now give the floor to Judge Patrick Robinson.

Judge Robinson: It is an honour for me to appear before the Security Council today in my capacity as President of the International Tribunal for the Former Yugoslavia and to do so under the Presidency of His Excellency Mr. Nelson Messone, the Ambassador of Gabon. I would also like to take this opportunity to express my sincere appreciation to Portugal as the Chair of the Security Council's Informal Working Group on International Tribunals, as well as to the Office of Legal Affairs, for their cooperation with the Tribunal in respect of preparations for the commencement of the Residual Mechanism and the transfer of the residual functions of the Tribunal to the Mechanism.

At the close of the reporting period, 16 persons are in appeal proceedings, 14 persons are on trial, and four are at the pre-trial stage. One accused — Goran Hadžić — remains at large. To date, the Tribunal has

concluded proceedings against 126 of the 161 persons indicted by the Prosecutor.

On 26 May, Ratko Mladić was arrested in Serbia, having evaded justice for 16 years. He was indicted in 1995 by the Office of the Prosecutor for genocide, crimes against humanity and war crimes allegedly committed from 1992 to 1995 during the conflict in Bosnia and Herzegovina. On 31 May, he was transferred to The Hague, where he will face trial. The arrest of Mr. Mladić was a milestone in the Tribunal's history and brings us closer to the successful completion of our mandate, with Goran Hadžić remaining the sole fugitive.

As members of the Council know, the Tribunal has spearheaded the fight against impunity through the corpus of law it has developed in both the substantive and the procedural areas of international humanitarian law and international criminal law. With the trial of Mr. Mladić, the Tribunal will be removing yet another brick from the wall of impunity. Questions have been asked as to the impact of the trial of Mr. Mladić on the Tribunal's completion strategy. That there will be an impact is clear, but it is too early to say with certainty what the precise impact will be.

During the reporting period, the Tribunal not only faced unprecedented challenges, but also achieved unprecedented advancement in the implementation of its completion strategy. The Tribunal conducted proceedings in nine trials concurrently by doubling-up judges and staff so that they were working on more than one case at a time. The Đorđević trial and the *Gotovina et al.* trial were brought to a close. The Perišić trial is anticipated to be completed this year. Six trials are anticipated to conclude in 2012, and the Karadžić trial should be completed in 2014.

Following the criticism of the progress of the Tribunal's trials made by members of the Security Council during my last visit to the United Nations in December 2010 (see S/PV.6434), I wrote to the judges and convened a plenary to discuss the matter. I stressed the need for every measure to be taken to expedite the work of the Tribunal and to ensure that there was no slippage in the schedule. I am pleased to report that in three cases — the Đorđević case, the Stanišić and Simatović case, and the Stanišić and Župljanin case — the estimates from the last report (S/2010/413) have been maintained. In the context of the challenges facing the Tribunal, in particular those related to

staffing, the maintenance of the estimates in these three trials is a remarkable achievement worth mentioning. The detailed reasons for the delays in the other trials are set out in the current report (S/2011/316, annex I).

During the reporting period, one judgement on review was issued. Appeals from four trial judgements are currently pending before the Appeals Chamber, and the judges of the Appeals Chamber remained fully engaged in appeals from the International Criminal Tribunal for Rwanda, rendering two judgements and hearing three cases in Arusha.

The Tribunal continues to take all measures possible to expedite its trials, without sacrificing due process. Over the years, the Tribunal has continually kept its procedures under review and has introduced a variety of reforms in order to improve its work. These reforms are detailed in my report and include the use of e-Court and e-Filing, amendments to the Rules of Procedure and Evidence, and case management techniques.

We face a particular problem with staffing in the Appeals Chamber, which is ultimately responsible — as members of the Council know — for writing the law of the Tribunal. For some time now, staff have been diverted to the Trial Chambers in an effort to complete the Tribunal's trial proceedings. This was and is entirely reasonable in light of the pressure to complete all trials, but it has necessarily resulted in the Appeals Chamber being extremely understaffed. The appeal schedule presented in my report has been revised in the light of a number of factors relevant to the pace of the Tribunal's appeal proceedings. Most significantly, the staffing crisis — which persists at the Tribunal — has led to revisions in the estimated times for the completion of all appeal proceedings.

In response, a new and more empirical methodology has been applied to appeal projections. Although this approach has led to the revised estimates in the current report, the long-term aim of the revisions is to present the Security Council with timelines that it is hoped will largely remain the same until the end of the work of the Tribunal. In order to counterbalance these revised estimates, the Appeals Chamber has been employing and will continue to employ a variety of efficiency measures to expedite its proceedings, including the limitation of amendments to grounds of appeal, the organization of judgement drafting, and the prioritization of work.

Having summarized the present status of our cases, I would now like to discuss three areas in which the Tribunal needs the support of its parent body, the Security Council.

The first area in which we need the support of the Security Council is the retention of our highly qualified staff. The most serious challenge to the completion of the work of the Tribunal is the perpetual departures of our uniquely experienced staff for more secure employment elsewhere. It would be irresponsible of me, as the President of the Tribunal, not to raise this issue with our parent body, the Security Council. I must tell the Council frankly that the staffing problem is so bad that it can now be described as chronic, systemic and endemic. We are in a staffing crisis. The stark reality is that, because the Tribunal is closing down, staff members are leaving. In a five-week period in April and May, eight members of the Chambers staff alone tendered their resignations. In the space of three days, three staff tendered their resignations. Those who are left behind witness their colleagues leaving for secure employment in other United Nations organs and institutions.

To make matters worse, those who are left behind have to pick up the extra work of those who have left and must train replacement staff members, which only increases their workload and exacerbates the problem. Moreover, when staff members leave, it often takes many weeks until a new staff member can be recruited in order to fill the remaining gap.

The staffing crisis has required me to become personally involved, in an unprecedented way, in specific staffing decisions on a weekly basis. Judges bring their Chambers' staffing problems to my attention. As a result, I have obtained an immense knowledge that might equip me some day for a career in human resources. But it may be questioned whether this is my proper role at the Tribunal.

The Security Council responded to the pleas of the Tribunal for assistance in stemming the alarming rate of departures by passing resolution 1931 (2010) in June 2010 and resolution 1954 (2010) in December 2010, which noted the importance of the Tribunal being adequately staffed to complete its work expeditiously and called upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address this issue as the

Tribunal approaches the completion of its work. But, following those two resolutions, although there has been improvement in some areas, more robust action is required.

I realize that the Security Council does not deal directly with staffing issues, but it must be acknowledged that the Council is composed of influential Member States that are also members of the General Assembly and its Fifth Committee. With that in mind, I implore the Member States of the Council to use that influence in order to support three specific measures for the Tribunal.

The first measure is a limited payment to staff members with more than five years of continuous service who remain until the abolition of their posts. Recognizing the economic benefit that a measure of this kind would be to the institution, the Advisory Committee on Administrative and Budgetary Questions recommended a similar proposal in 2008. In the long run, the retention of experienced staff is clearly the most efficient and cost-effective approach for the Tribunal, because the cost of replacing staff who leave is greater than that associated with providing the proposed retention incentive. This measure for the Tribunal to retain staff in an example of where we are actually spending to save.

The second measure is the endorsement of the Tribunal's stand that the Office of Human Resources Management should reverse its position and approve our recommended list of staff members who should be converted to permanent contracts. The Tribunal could then proceed with the issuance of permanent contracts immediately, which would have a direct and dramatic impact on our staff retention. It has been almost a year since the Registrar submitted a list of personnel to be converted to permanent contracts. To date, no decision has been taken on the matter. In the meantime, staff members who are on that list have left. The delay in dealing with this matter may affect the rights of individuals concerned. The Central Review Panel, to which the requests have been referred, must issue a decision as soon as possible.

Thirdly, the Tribunal has been fortunate to be able to attract a number of highly qualified interns. It would be a great benefit to our work if we were able to hire such interns in circumstances where they have become integral members of a trial or appeal team. Unfortunately, under the current regulations, interns

cannot be hired within six months of the completion of their internships. We would therefore ask Member States to endorse the position that the Tribunal should be granted a waiver so that it can tap this resource and expand the pool of qualified and experienced candidates. In making this request, I hasten to add that there would be absolutely no financial consequences to waiving the six-month rule, and former interns would have to apply through the regular Inspira staff-selection process.

I raised the details of these matters with Member States last week, and so only mention them now very briefly. The Security Council, the Tribunal's parent body, must heed the call for action. We need the Council's influence and support if we are to complete the work with which it has tasked us. I must be blunt: if something is not done to alleviate the staffing crisis, the Tribunal will be forever reporting slippages in its work schedule. The schedule will continue to have to be revised, and international criminal justice will be compromised.

The second area in which we need the support of the Security Council involves the establishment of a victims' trust fund. In my previous reports to the Council, I raised the need for the compensation of victims and witnesses. More than 6,900 witnesses and accompanying persons from all over the world have been called to appear before the Tribunal. Without the courage of those witnesses to step forward and give evidence, there would be no trials, and impunity would reign. These victims of the conflict in the former Yugoslavia have a right to compensation under international law for the crimes committed against them. I have previously called upon the Security Council to establish a trust fund for victims of crimes falling within the Tribunal's jurisdiction, and thus to breathe life into the General Assembly's Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted in November 1985.

The Tribunal has been taking initiatives to have established some system for providing assistance and support to victims. I stress that those initiatives will not impose any obligations upon States to provide funding; rather, they contemplate voluntary contributions. This would go some way towards bringing the position of the Tribunal — which, after all, is the first international criminal judicial institution established by the United Nations — somewhat closer to the International

Criminal Court, which has a trust fund for its victims. The Tribunal cannot, through the rendering of its judgments alone, bring peace and reconciliation to the region. Other remedies should complement the criminal trials if lasting peace is to be achieved, and one such remedy should be adequate assistance to the victims for their suffering. I therefore call upon the Security Council to lend its support to those initiatives.

The third area in which we need the support of the States members of the Council is the enforcement of sentences. The Tribunal has signed enforcement-of-sentence agreements with 17 States, most of which have been enforcing our sentences for years. We are very grateful for that. However, some of those States have become hesitant to enforce further sentences and have called for more equal burden-sharing among Member States. Other States have signalled that they would enforce only a fixed number of sentences at any one time and have declined the Tribunal's requests to receive additional convicted persons. Considering that up to 40 additional sentences may have to be enforced over the next few years, depending upon the outcome of trials and appeals, it has become evident that the Tribunal's current enforcement capacity is rapidly approaching its limit.

The enforcement of sentences is an integral part of the criminal justice system administered by the Tribunal and as envisaged by the Security Council. If sentences pronounced by the Tribunal remain unenforced, the Tribunal cannot be said to have completed its mission. It is my duty to inform the Council that, at present, there is a significant risk that the Tribunal will not have the capacity required to enforce all its future sentences. Despite the Tribunal's persistent efforts to secure additional enforcement agreements, States have been reluctant to enter into such agreements. The completion of the Tribunal's mandate requires that the enforcement of all sentences be secured before the Tribunal closes. I therefore appeal to the international community to urgently work with the Tribunal in finding a viable solution to the enforcement-capacity issue.

In conclusion, I want to emphasize the Tribunal's steadfast commitment to the expeditious conduct of its proceedings in full compliance with due-process standards. Everyone at the Tribunal is working as hard as he or she can to complete the mandate entrusted to us by the Security Council.

The Tribunal is nearing the end of its mandate, but we still require the support of our parent body in the three areas that I have outlined here today: staff retention, the establishment of a victims' trust fund, and the enforcement of our sentences.

We at the Tribunal have kept faith with the vision of the Security Council, and now we need the Council to reciprocate that faith and to give us the support that we desperately need to complete the work that the Council started.

The President (*spoke in French*): I thank Judge Robinson for his briefing.

I now give the floor to Judge Khalida Rachid Khan.

Judge Khan: It is a great honour for me to address the members of the Security Council as the new President of the International Criminal Tribunal for Rwanda.

I would like to begin by congratulating the representative of Gabon, who is presiding over the Security Council in June. I wish you, Sir, all the best for a successful tour of duty.

I am pleased to present the members of the Security Council with the fifteenth completion strategy report of the International Criminal Tribunal for Rwanda (see S/2011/317, annex I). I would like to express the appreciation of the entire Tribunal to the Governments of the members of the Council and to the Secretariat for their continued trust and support at all levels over the last six months. I would also like to congratulate Council member Portugal, which has taken over as Chair of the Informal Working Group on International Tribunals.

In the second half of this year, the Tribunal will render judgments in five more cases with respect to 14 accused persons. For two cases where fair-trial considerations required the provision of more time, judgment will be delivered in the first quarter of 2012. The Military II judgment involving four accused persons was delivered on 17 May, and the Butare judgment, involving six accused, will be delivered on 24 June. The *Bizimungu* judgment will be delivered by August, and the *Karemera*, *Ndahimana* and *Nzabonimana* judgments will be delivered in the fourth quarter of this year. Therefore, almost all of our current caseload will have been completed by the end of 2011. Of course, there are a number of referral applications

of cases to Rwanda under review. The trial decision in the case of Jean-Bosco Uwinkindi is due to be rendered at the end of this month, and the inevitable appeal is projected to be finished in October.

The Prosecutor has made a new arrest. Bernard Munyagishari was arrested in the Democratic Republic of the Congo about two weeks ago. This new arrest may not lead to trial activity if the referral applications to Rwanda are accepted. However, if the *Uwinkindi* application is denied and no other country is willing and able to try Munyagishari, the trials of both will be held at the ICTR, and, because we conduct these applications and pretrial simultaneously, the trials would most likely be finished by late 2012.

The Tribunal has also begun the hearings for preservation of evidence under rule 71 bis in the case of one fugitive, Félicien Kabuga, and two others will begin in the fall. As an additional judicial workload, we also anticipate at least three proceedings for contempt of court beginning early next year.

In terms of appeals, a further five appeal judgments are expected to be delivered in the second half of 2011, and a total of 11 are expected by the end of 2014.

Due to fair-trial considerations, our judicial calendar can only provide estimates of expected judgment delivery dates. However, our success at meeting the targets set in the completion strategy reports continues to improve, thanks to our trial management initiatives. Those initiatives, which were largely introduced after 2007, have shortened the time required for pre-trial and trial, while upholding the highest standards of fair-trial rights.

We can maintain this progress only if we remain adequately staffed. Here I would like to thank our staff for their continuing determined efforts to advance the mandate of the Tribunal, often under difficult circumstances.

Staff retention remains a critical issue. The staffing situation is delicate, and any increase in departures would endanger our ability to meet our completion strategy targets. As an institution in the final stages of its mandate, we have specific problems that cannot be solved by applying standard human resources policies. In this regard, we support President Robinson's proposal for a limited payment to staff

members with more than five years of continuous service who remain until the abolition of their posts.

We also have a large number of staff on temporary contracts. Those contracts will have to be extended past the permitted 729-day period, and we will need the support of the Secretariat to do that. We appreciate that in its resolutions the Council continues to note the importance of adequate staffing for the Tribunals and calls on the Secretariat to work with the Tribunal Registrars to find practical solutions to the issue. I would also like to thank Council members and the General Assembly for recognizing with a one-time *ex gratia* payment the significant contribution that *ad litem* judges have made to the work of the Tribunal.

Next, I turn to the issue of management positions in the Tribunal Chambers. The permanent judges in Arusha have already begun to leave. Some will resign when their cases end, and others will be redeployed to the Appeals Chamber. Under the present rules, in a short while, once all the permanent judges have left, we will not be able to fill the critical positions of President and Vice-President of the Tribunal. We have therefore requested, through the Secretary-General, that the requirement that the President be a trial judge resident in Arusha be removed, and that provision be made for an *ad litem* judge to be elected Vice-President and to act as President in the President's absence.

State cooperation continues to be an important factor in the Tribunal's success. In the last few weeks, Judge Byron rendered decisions on the transfer of four convicts to Member States for enforcement of their sentences. I would like to thank all the States that have concluded agreements with the Tribunal on receiving convicts for their cooperation.

We would also like to encourage Member States to consider accepting referral applications from the Tribunal. Nine fugitives still remain at large. We are pleased that the most recent arrest, of Bernard Munyagishari, was made about two weeks ago. The Tribunal relies on the cooperation of Member States in the tracking, arrest and transfer of fugitives. We look forward to the early and speedy conclusion of the work of the joint ICTR/Kenya task force in the tracking, apprehension and transfer of the fugitive Félicien Kabuga. The Prosecutor will provide the Council with a more comprehensive briefing on this matter.

I would like to draw the Council's attention to the increasingly problematic issue of relocating the

acquitted. Under any national jurisdiction, a person acquitted of criminal allegations is set free and allowed to fully reintegrate into society. This, unfortunately, is not the case for those acquitted by the Tribunal. They remain trapped in Arusha while they wait to be relocated to a safe country. As acquitted persons, they should be in a position to fully enjoy their rights, including the right to life, which encompasses the right to family, education and employment. Instead, they are separated from their families and unable to pursue further education or any form of employment.

Five out of eight of those acquitted have been able to join their families in their country of choice, in most cases following lengthy and difficult negotiations. Regrettably, this has not been the case for three acquitted persons who remain in safe houses in Arusha. For one of them, André Ntagerura, it has been almost five years since his acquittal was confirmed by the Appeals Chamber.

The challenge of relocation is the unfortunate result of the absence of a formal mechanism for securing the support of Member States in accepting such people in their territories. The ICTR considers the resettlement of persons acquitted by an international criminal tribunal to be a fundamental expression of the rule of law and is seriously concerned about the consequences of failing to fulfil this obligation.

This view was shared by the United Nations refugee agency in a meeting of experts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and of the ICTR organized in Arusha in April. One of the conclusions of the joint expert meeting recognized that the Security Council is where the plight of the acquitted persons belongs and that the Tribunal has no other choice but to call upon the Council for its assistance in finding a sustainable solution to this issue. The Security Council will shortly receive a joint dossier on this matter prepared by the UNHCR and the ICTR.

Moreover, the relocation of convicted persons who have served their sentences also needs urgent attention. These persons have even fewer avenues for resettlement open to them. This issue is destined to become a growing problem in the years to come.

Lastly, I would like to provide an update on the progress towards the Residual Mechanism, which was established by this Council in resolution 1966 (2010), six months ago. We are working hard, under tight

deadlines, to ensure that the Residual Mechanism will be a small and efficient institution. In close cooperation with the International Tribunal for the Former Yugoslavia, we are providing input to the Office of Legal Affairs on the Mechanism's draft rules of procedure and evidence and developing a proposed budget, staffing requirements and joint policies for access to and security of the archives of the Tribunals and the Mechanism. We are doing all of this while relying on our existing staffing resources — which are already stretched thin — and engaging in full-time efforts to complete our core judicial work.

I want to thank the Council for the commitment and the support it has shown the Tribunal over the last 17 years. I look forward to working closely with the Council to ensure the success of the Tribunal in the final stages of its mandate.

In the same way that the jurisprudence of the Tribunals set a precedent for international criminal justice, we hope that our efforts to meet the goals of the completion strategy may also guide the closing of future tribunals. As the Tribunal has gained experience, delays have been reduced and effectiveness in approaching the strategy has increased. The lessons learned from the Tribunal's efforts to implement a completion strategy must be shared with other institutions embarking upon such endeavours, so that difficulties can be minimized and best practices maintained and implemented.

The Tribunal has been engaged in work directly related to the Rwandan genocide for more than 17 years. That genocide has greatly affected everyone at the Tribunal, and seeking justice for the victims continues to drive our commitment to the goal of ensuring that never again will such atrocities occur. As the Tribunal's mandate draws to a close, we hope that our work will lead the way in the continued fight against impunity.

The President (*spoke in French*): I thank Judge Rachid Khan for her briefing.

I now give the floor to Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia.

Mr. Brammertz: Thank you, Mr. President, for giving me this opportunity to address the Council on the progress made by my Office towards the completion of our mandate.

Some recent developments have shown significant advances in establishing accountability for the crimes committed during the wars in the former Yugoslavia. Foremost among these, of course, is the arrest of Ratko Mladić, who for 16 years evaded capture and transfer to The Hague. The arrest is significant on many levels. For victims of the crimes alleged against Ratko Mladić, it is a long overdue opportunity for redress. For the International Tribunal for the Former Yugoslavia (ICTY), it removes one of the last obstacles to holding accountable those most responsible for the wartime atrocities in the former Yugoslavia. For international criminal justice, it is a welcome confirmation that accountability for war crimes is not a fleeting interest, but an enduring value.

Serbia now has an important opportunity to help the public understand why Ratko Mladić has been arrested and why justice demands that he stand trial. We thank the Serbian authorities for making the arrest, and we particularly acknowledge the role played by the National Security Council, the action team established to track the fugitives and operatives from the security services.

In our written report (S/2011/316, annex II) we were critical of Serbia's efforts to locate the fugitives, and we identified a number of operational shortcomings for the Serbian authorities to address. We urged them to translate their stated commitment to arresting the fugitives into concrete action and visible results. With the arrest of Ratko Mladić, Serbia has taken a considerable step towards achieving that objective. Serbia has met one of its key obligations to the Tribunal and simultaneously acknowledged the rule of law as a central building block for its future.

While the arrest of Ratko Mladić is an excellent result, the fact remains that he was at large for 16 years. That raises troubling questions about how it was possible for this individual to elude the substantial resources of a State for so many years. We welcome the Serbian Government's statement that it will investigate and prosecute the networks that supported Ratko Mladić during his time in hiding. We also welcome the Government's expressed determination to expose and punish any State official who assisted him. We ask the Serbian Government to follow through on those undertakings as a matter of priority.

We also ask the Serbian Government to continue the operational improvements that led to Ratko

Mladić's arrest. The recommendations set out in my report for strengthening Serbia's fugitive-tracking efforts remain valid. We want the remaining ICTY fugitive — Goran Hadžić — apprehended without further delay.

When it comes to our ongoing trial and appeal proceedings during this reporting period, Serbia has promptly provided access to the documents and archives we have requested. The Serbian National Council for Cooperation with the Tribunal continued to promote cooperation among the different Government bodies handling requests from our office. Similarly, we received prompt and adequate responses from Bosnia and Herzegovina to our requests to access documents and Government archives.

From Croatia in general, timely and adequate responses were received concerning our requests for witnesses and evidence. However, during the reporting period, limited progress was made in locating the missing military documents concerning Operation Storm. Nevertheless, on 15 April the Trial Chamber rendered its judgement in the *Gotovina et al.* case and found that the crimes against Gotovina and Markač were proven based on the evidence submitted at trial. It is, however, unfortunate that in the aftermath of the judgement, the highest State officials failed to comment objectively on the outcome of the case.

From cooperation, I move to another core development: the progress of our trials and appeals. In this reporting period, we have finalized a large component of our trial work. We have completed the presentation of the Prosecution's case-in-chief in all but three cases. We must now add the Mladić case to that list. As the focus of our attention turns towards the appellate phase of proceedings, we are positioning ourselves to deal effectively with the intense appellate caseload on the horizon.

We are also making steady progress towards implementing the Security Council's resolution 1966 (2010) establishing the International Residual Mechanism for Criminal Tribunals. We are conscious of the dates that have been set for the Residual Mechanism to begin taking over the ICTY's remaining work, and we are assisting our Registry colleagues with the necessary preparations. We are also working together with our counterparts at the International Criminal Tribunal for Rwanda to ensure a coordinated

and efficient structure for the two prosecution offices of the Mechanism.

As we approach the completion of our mandate, staffing issues remain a significant concern. Staff attrition is now a sharp reality, leaving our remaining staff members to shoulder unrealistically heavy burdens. Retaining our key staff will become a growing problem for us in the next reporting period.

A further reflection that we are nearing the end of our work is our intensifying focus on supporting national war crimes prosecutions. It is a positive development to see prosecution offices in the region taking over responsibility for making sure that the crimes committed during the war are punished. However, cooperation among prosecutors in the region must be a priority in order to resolve problems such as parallel investigations. In July, we expect that an agreement will be signed between Bosnia and Serbia to improve the situation. We hope that increased cooperation between Bosnia and Serbia will also lead to more effective efforts to apprehend Radovan Stanković, who remains at large nearly four years after escaping from prison in Foča.

Improvements in regional cooperation will depend on strong national war crimes strategies in each country. We are deeply concerned by recent political initiatives in Bosnia and Herzegovina that sought to undermine the work of the State Prosecutor's Office and the State war crimes court.

In conclusion, over the past six months we have made great strides towards the successful completion of our mandate. The long-awaited arrest of Ratko Mladić stands out as one of the most significant developments, and we are committed to moving ahead expeditiously with his trial. At the same time, we ask the international community to ensure that we have the resources needed to complete our work. We also call upon Governments in the former Yugoslavia to support our work and to use it as a platform for promoting reconciliation in the region.

The President (*spoke in French*): I thank Prosecutor Brammertz for his statement.

I now give the floor to Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

Mr. Jallow: During the period covered by the report on the completion strategy of the International

Criminal Tribunal for Rwanda (ICTR) (see S/2011/317), my Office has continued to focus its efforts on the completion of ongoing trials, the referral of cases to Rwanda, evidence preservation proceedings, the conduct of appeals, the intensification of our tracking efforts, and the provision of assistance to national authorities in respect of cases being investigated or prosecuted by them.

During that period, we have received judgements in respect of five accused persons and completed the evidence phase in respect of four other accused persons, while trial proceedings are at an advanced stage in the two remaining cases. Subject to the decision of the Trial Chambers on our referral application of the detainee Jean Uwinkindi and the disposal of the case of Bernard Munyagishari, the new arrestee, and any arrests effected prior to 30 June 2011, the trial workload of my Office in respect of current detainees should thus conclude by the end of 2011.

The evidence preservation proceedings have also been commenced in the case of Félicien Kabuga. Those in respect of Protais Mpiranya and Augustin Bizimana will commence shortly, with all proceedings in respect of those three cases scheduled also to conclude by early next year.

The appeals workload has entered an intensive phase as new judgements are delivered. In addition to prosecuting the three Rule 11 bis cases — that is, the referral cases — the Appeals Division, since my last report (S/2010/574), has been actively prosecuting 12 cases involving a total of 18 separate appeals.

The Division has also been preparing the groundwork for new appeals expected to be filed in connection with three multiple accused cases, for which judgements are likely to be delivered in the course of the year. Those three cases alone may generate up to 28 new prosecution and defence appeals to be argued during the remainder of 2011 and in 2012.

In the months ahead, we plan to file additional requests for the referral of the cases of the remaining four fugitives and one new arrestee to national jurisdictions for trial, to intensify efforts in tracking, to prepare for the commencement of the remaining evidence preservation proceedings, to conclude trial preparations in respect of current detainees, and to have case files ready for transfer to the Residual Mechanism for consideration for referral or trial, as the case may be.

We will devote time and resources to updating the case files in respect of the six other fugitives to ensure their readiness for trial or transfer and their handover to the Mechanism. That would considerably reduce the workload of the Mechanism when it comes into operation in the middle of next year.

In a further attempt to implement the referral strategy of the ICTR and while continuing our focus on Rwanda, I visited a number of European States in April this year and held discussions with senior officials to encourage their Governments to consider accepting cases for trial from the ICTR. I wish to record my appreciation for their warm reception, and look forward to their positive consideration of our requests.

The strategy of referral of cases remains crucial for a timely completion of the ICTR mandate, the reduction of the scope and workload of the Residual Mechanism, and the avoidance of impunity gaps by encouraging extradition by other countries to Rwanda. I am also hopeful that the only cases referred so far by the Tribunal, which went to France, will receive greater attention in the course of this year in the French courts.

Alongside the attempts at referral, we will continue to give priority to the tracking and arrest of the fugitives. I am happy to report in that respect that, pursuant to the mandate of the Council of Ministers of the International Conference on the Great Lakes Region, held in Brazzaville, the Republic of the Congo, I have recently had very fruitful discussions with its Executive Secretary Ambassador Mulamula on cooperation in the tracking and arrest of ICTR fugitives, most of whom are located in the territory of States members of that organization. Concerted efforts by States members of the International Conference, in collaboration with the ICTR, promise to bring to account those fugitives who have not only evaded justice for so long but have also been a source of insecurity and instability in the Great Lakes region.

I am further pleased to report to the Council that one of those fugitives, Bernard Munyagishari, a leading member of the Interahamwe indicted for genocide and related crimes, was arrested by security officers of the Democratic Republic of Congo on 25 May, in cooperation with ICTR officers. We look forward to his early transfer to the ICTR by the authorities of the Democratic Republic. I would like to take this opportunity to congratulate and thank the

Government for the cooperation that has made this arrest possible.

This latest arrest reduces to nine the number of fugitives that are now outstanding with respect to the ICTR. I am confident that the continued cooperation of the Democratic Republic of the Congo will facilitate the timely arrest of these fugitives, the majority of whom are in that country.

We welcome the reactivation in November 2010 of the joint ICTR/Kenya police task force, which has been working on the Kabuga case file. I look forward to the assistance of the Government of Kenya in the tracking and arrest of this top-level fugitive and in finally closing this file. We continue to experience difficulties in the tracking of top-level fugitive Protais Mpiranya, former Commander of the Presidential Guard. I would urge greater cooperation and assistance on that file from the Government of Zimbabwe.

Staff attrition due to early departures and administrative regulations continues to pose a difficult challenge. We are in discussions with the relevant United Nations departments on this matter and hope for a quick and satisfactory solution.

Pursuant to the decision of the Security Council in resolution 1966 (2010), the ICTR branch of the Residual Mechanism will become operational on 1 July 2012. Accordingly, we have focused on and will continue to attend to ensuring a smooth transition to and the effective commencement of our branch of the Mechanism. A consultative process between the Prosecutors of the ICTR and the ICTY has been established for this purpose and an understanding arrived at between the two Prosecutors regarding the structure and the staffing and resource requirements of the common Office of the Prosecutor in line with the wish of the Council for the Mechanism to be a lean and effective institution.

Despite the current challenges and those expected in the process of winding down, we remain committed to an efficient, effective and timely closure of the Tribunal and are confident that that can be achieved, as well as a smooth and timely transfer of residual functions to the International Residual Mechanism.

I would like to thank the members of the Security Council, States Members of the United Nations, and the Secretariat for all their support, which has proved valuable to the execution of our mandate. I look

forward to the continuation of such support in the critical transition to the Residual Mechanism.

The President (*spoke in French*): I thank Prosecutor Jallow for his briefing.

Following consultation with all Council members, and on an exceptional basis, I now give the floor to the representative of Rwanda.

Mr. Gasana (Rwanda) (*spoke in French*): Allow me to begin by congratulating you, Mr. President, on your accession to the presidency of the Council for this month. You are the pride of Africa, Sir, and we are very honoured indeed to have you as the President of the Council for this month. Allow me also to present my deep gratitude for the exceptional gesture made by the members of the Council of giving me the privilege of speaking before them.

(*spoke in English*)

I thank the Council for the opportunity to contribute to the debate on this issue of crucial importance to Rwanda. My delegation wishes to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR) for their reports on the completion strategies of their respective Tribunals (see S/2011/316 and S/2011/317).

I take this opportunity to congratulate Judge Khalida Rachid Khan for her election as President of the ICTR and wish her every success in presiding over that Tribunal, which was established by the Council to render justice to humanity. I also pay tribute to Judge Dennis Byron for the tremendous job he has done over the last four years, during which many trials were concluded, and wish him to continue on his path as ICTR Vice-President.

We recognize and commend the Government of Serbia for the recent arrest of ICTY fugitive Ratko Mladić. We also recognize and commend in particular the Government of the Democratic Republic of the Congo, together with the ICTR tracking unit, for the arrest of ICTR fugitive Bernard Munyagishari. Rwanda continues to urge all other Governments to fulfil their obligations to cooperate with the two Tribunals in arresting the remaining international fugitives, especially Félicien Kabuga and Protais Mpiranya, and to facilitate their prosecution.

The Government of the Republic of Rwanda has consistently extended its cooperation and support to enable the ICTR to effectively execute the mandate entrusted to it by the Security Council. Rwanda continues to facilitate unfettered access to witnesses for both the defence and the prosecution and is assisting in the movement of witnesses to and from the Tribunal's seat in Arusha, Tanzania. Rwanda also continues to ensure the security of witnesses through the Rwanda Witness Protection Service that was established with the support of the Office of the ICTR Prosecutor.

My Government continues to support investigations initiated by both the prosecution and the defence without prejudice to either, and we continue to provide the necessary documents for the conduct of the trials. Rwanda continues to operate a detention facility that meets the standards set by the Tribunal and which currently houses convicts who were transferred from the Special Court for Sierra Leone.

The Government of Rwanda has stated on different occasions its position on the International Residual Mechanism for Criminal Tribunals, as established under resolution 1966 (2010). Our preference was the full closure of the International Tribunals and the transfer of the remaining cases to national jurisdictions, especially those of the concerned countries, through implementation of the completion strategy for the Tribunals as called for in Council resolutions 1503 (2003) and 1534 (2004). Nevertheless, I reiterate the pledge of our Government to fully cooperate with the International Residual Mechanism.

While the Government of Rwanda will support the work of the Residual Mechanism, just as it has supported the ICTR over the years, we also expect the judges and staff of the Residual Mechanism to cooperate with the Government of Rwanda and to honour its enumerated legal obligations and other agreements.

We recognize that provisions in the ICTR rules of procedure and evidence grant the President of the Tribunal the prerogative to transfer genocide convicts to prisons in a number of countries that have agreements with the United Nations for the enforcement of ICTR sentences. We remind the Security Council that rule 103 of the rules of procedure also requires the ICTR to notify the Government of

Rwanda prior to a decision on the place of imprisonment. In the past, the Tribunal has not honoured this explicit written requirement to notify us before undertaking any such transfer of convicts. We learned about those transfers well after they had been effected and the convicts resettled in countries distant from the scene of the crimes.

The Rwanda delegation seizes this opportunity to urge in the most forceful and professional manner that every effort be taken to ensure that all of the remaining trials of ICTR indictees be completed before the four-year period given to the Residual Mechanism to discharge its mandate has elapsed. In our view, it would be inappropriate for the international community to entertain costly and unjustified requests to extend operation of a residual court beyond 30 June 2016 with the intention of delivering justice for genocide crimes committed in Rwanda in 1994.

We also insistently urge the Security Council to obtain from the Prosecutor and the President of the ICTR an official report on the status of the prosecutions of the two cases that were transferred to France for trial in November 2007. We note that, under rule 11 bis of its rules of procedure, the Tribunal has the right and the duty to revoke those referrals to the French courts, if they continue to delay prosecution of Father Wenceslas Munyeshyaka and Laurent Bucyibaruta.

The Government of Rwanda reiterates its request that the archives and records of the ICTR be transferred to Rwanda upon the completion of the Tribunal's mandate. Rwanda desires to host the archives to ensure their accessibility to genocide survivors, the families of those who were killed, researchers and the broader international community. In addition, many original documents that originated from Rwanda remain the property of the lending institutions and individuals. The archives of the Tribunal should be transferred to Rwanda because, for us, those records constitute an integral part of our history, are vital to the preservation of the memory of the genocide and will play a critical role in educating future generations to guard against genocide denial and revisionism. Locating the archives in Rwanda as part of a larger information and genocide research centre would be an appropriate tribute to the victims of the 1994 genocide of the Tutsi in Rwanda. The archives and research centre, to be co-managed by the United Nations, would also serve as a regional resource for

achieving the mission of the United Nations system to promote peace and to ensure the prevention of genocide.

Allow me now to address an issue of the utmost concern to my Government, namely, the ongoing scourge of genocide denial by some in the academic and legal professions, including ICTR defence lawyers. Some of these defence attorneys are leading an international campaign to misrepresent, misinterpret and openly deny that, in 1994, there was a genocide perpetrated against the Tutsi in Rwanda — a genocide recognized by the Council in its establishment of the ICTR and reaffirmed in 2006 by the Appeals Chamber of the same Tribunal as a notorious fact of common knowledge, of which the Trial Chambers must take judicial notice.

Such attempts to revise history and deny the legally acknowledged genocide perpetrated against the Tutsi are, in our view, not only morally reprehensible but also a violation of the ethics and rules of professional conduct for attorneys. We note with keen interest the provision in article 29 of the statute of the Residual Mechanism requiring defence counsel to "respect the laws and regulations" of the countries to which they are admitted to perform official duties while representing their clients who have been indicted by United Nations Tribunals or by the Residual Mechanism. It is our expectation that the rules being promulgated for the residual court will include provisions similar to those in the ICTR rules of procedure outlining the obligations of defence counsel and the sanctions to be imposed when they engage in impermissible conduct.

The Government of Rwanda will of course continue to ensure that, without prejudice or favour, any individual who engages in revisionism or denial of the 1994 genocide perpetrated against the Tutsi be brought to justice in accordance with the Rwandan Constitution and other legal instruments.

Allow me here to repeat once again that, notwithstanding the commendable job that the staff of the Tribunals and the United Nations Office of Legal Affairs have done, there remain some critical, unresolved residual issues that are not addressed by the statute for the Residual Mechanism or by the accompanying transitional arrangements. We recognize that the ad hoc Tribunals are transitional justice works-in-progress — indeed, work that has been in progress

for 17 years, in the case of the ICTR. But this transition must end at some appointed time. The Residual Mechanism appears to prolong the transition, rather than provide an avenue for the international community to hand over the long-term duty for prosecuting genocide suspects to permanent courts in national jurisdictions. Rwanda is willing to assist the Council to find acceptable solutions to the difficult residual functions that are not yet resolved.

I assure the Council that we are ready, willing and able to receive cases referred for trial in Rwanda; to receive convicts to serve their prison terms in Rwanda; to provide resettlement and a transition to national community life for acquitted persons and convicts who have finished serving their sentences; and to collaborate with the Tribunal in establishing information and documentation centres to make the records and archives of the ICTR widely available to the public.

In conclusion, thank you again, Mr. President, for the opportunity to contribute to this dialogue and to reiterate my Government's continued commitment to supporting the work of the ICTR and the new Residual Mechanism.

The President (*spoke in French*): I shall now give the floor to the members of the Security Council.

Mr. Barbalić (Bosnia and Herzegovina): I wish to thank Judges Patrick L. Robinson and Khalida Rachid Khan, the respective Presidents of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), as well as the Prosecutors of the Tribunals, Mr. Brammertz and Mr. Jallow, for both detailed reports and extensive briefings today. We wish to congratulate Judge Rachid Khan on assuming her important position and to thank Judge Byron for his years of tireless work and efforts in pursuing justice for victims and their families. For so many years now, the Presidents and Prosecutors of the Tribunals have shown their dedication to justice and the fight against impunity, for which we commend them. I also wish to underline the contribution of all the staff of the Tribunals and to thank them for their tireless work.

For almost 18 years now, the Tribunals have been led by the idea of justice for all those who suffered and, although slow, their course has been steady and unyielding. Justice is the only consolation for those

who lost their loved ones, or even their entire families. In that context, we welcome the fact that Ratko Mladić and Bernard Munyagishari will finally face justice and be seen for what they truly are. We also hope that Goran Hadžić, Félicien Kabuga and the eight other fugitives will also face justice sooner rather than later.

Bosnia and Herzegovina has extended unconditional support to the Tribunals throughout the years, especially to the work of the ICTY. The crimes that were committed deeply affected our respective regions, and, as a significant contribution to reconciliation and a better future, the Tribunals' work is of great importance. My country remains committed and dedicated to providing continued support for both Tribunals until the full completion of their mandates and transition to the Residual Mechanism.

That dedication is further reflected in the record of continued positive cooperation between Bosnia and Herzegovina and the ICTY. As stated, authorities of my country, at both the State and entity levels, have responded promptly and adequately to all the requests for documents and access to Government archives. Assistance in facilitating the appearance of witnesses before the Tribunal is consistent, together with assisted witness protection matters. Urgent requests are handled satisfactorily. The cooperation has been particularly constructive with regard to the rule 11bis cases transferred by the Office of the Prosecutor to the War Crimes Chamber of the State Court of Bosnia and Herzegovina. As stated in the report, all cases transferred pursuant to rule 11bis have been completed.

Furthermore, we fully agree that cooperation between the countries in the region is highly important, and all efforts are aimed at improving and enhancing cooperation through numerous bilateral agreements that will address possible deficiencies.

Considering the reports before us, we note all the steps the Tribunals have taken to meet their completion strategies. It is a demanding task, especially having in mind the numerous unforeseen obstacles they face that are beyond their reach and out of their control. Those obstacles seem especially characteristic of the work of the ICTY, with several of the accused exercising their right to defend themselves and the difficulties and delays arising from such trials. We also commend both Tribunals for undertaking preparations for the timely transition to the Residual Mechanism, in accordance with resolution 1966 (2010), and find this also a very

important aspect in preserving their legacies. We encourage the Tribunals to continue their work in an expedited and efficient manner, without affecting due process and the interest of justice.

Final successful completion of the Tribunals' mandates will close out a chapter that will be considered historic, just as their contribution to international jurisprudence is groundbreaking and the international justice system has been irreversibly changed with their establishment. Their contribution to the advancement of the rule of law, peace and reconciliation is undoubted, as there would be no meaningful peace without justice and no common future until the past is put to rest.

Mrs. Le Fraper du Hellen (France) (*spoke in French*): I would like to begin by thanking the Presidents and Prosecutors of the International Criminal Tribunals for their biannual reports.

This Council debate takes place, of course, at an historic moment, as Ratko Mladić — one of those allegedly responsible for the Srebrenica genocide — has just made his initial appearance before the International Tribunal for the Former Yugoslavia. On 25 May, Mr. Alain Juppé, Minister for Foreign Affairs of France, said of that arrest:

"My thoughts go first to the families of the victims. This arrest brings to a close 16 years of impunity. It will finally make it possible for justice to be done and will contribute the reconciliation of the Western Balkans, which France continuously calls for."

The Security Council also expressed its satisfaction in its statement to the press of 27 May. In that statement, we highlighted the commitment of President Tadić regarding the arrest of the fugitive Goran Hadžić.

We would also like to highlight the statements made by the Prosecutor about cooperation of the States of the region. The European Union and France closely follow the Prosecutor's reports on the issue of cooperation, which is a key element for accession to the European Union.

When it comes to the International Criminal Tribunal for Rwanda, I welcome the new President of the Tribunal, Judge Khan, and wish her the greatest success in her work and in the exercise of her mandate. Together with Prosecutor Jallow, she has provided a

detailed picture of the Tribunal's current situation. Of course, the arrest of Bernard Munyagishari in the Democratic Republic of the Congo is an important event. The Security Council noted this in its remarks to the press also on 27 May.

But nine accused remain at large, including three high-ranking fugitives: Félicien Kabuga, Augustin Bizimana and Protais Mpiranya. We hope there will be swift progress in the case of Protais Mpiranya, whose name is continuously mentioned, including in the context of the current violence in the Democratic Republic of the Congo and Zimbabwe. We note that the Prosecutor is awaiting information from Kenya regarding the case of Félicien Kabuga, and it is our hope, as it is his, that the Kenyan authorities will be able to demonstrate their diligence by promptly arresting Félicien Kabuga.

I would also like to thank Prosecutor Hassan Jallow, who visited France last April, with regard to the two cases transferred to France in 20 November 2007, to which the French judicial authorities attach the highest importance.

In resolution 1966 (2010), adopted in December, the Security Council established a timeline for the completion of the work of the two Tribunals and the establishment of the Residual Mechanism to conclude the proceedings. We would like to thank both the representatives of the Tribunals and the Office for Legal Affairs of the Secretariat for the efforts made to follow this timeline.

But the Security Council, which established the timeline, is also responsible for enabling the Tribunals to carry out their mandate successfully. It must find pragmatic solutions, in particular to the problems of staff retention that were mentioned here today. That is one of the objectives established by the Chair of the Security Council Informal Working Group on International Tribunals, the representative of Portugal, and we will support him in his efforts.

Recent arrests have made it possible to send an important message to all of those who today still try to come to power - or stay in power - by ordering and planning attacks against civilians, to all those who, when faced with an international criminal justice arrest warrant for war crimes, crimes against humanity or the crime of genocide, think that they can count on weariness or inaction on the part of the Council. They are mistaken. The Council has demonstrated through

the years and again recently its determination to fight impunity, and an arrest warrant has no expiration date.

Mr. Pankin (Russian Federation) (*spoke in Russian*): We would like to take this opportunity to thank the French presidency for leading the Council's work successfully in May, and we wish you every success, Mr. President, in leading the Council this month. We also thank the Presidents and Prosecutors of the Tribunals for presenting their reports.

Today's briefings by the leadership of the Tribunals is particularly important, as it is the first since the adoption of resolution 1966 (2010), which set specific dates for the launch of the Residual Mechanism for the Tribunals and the deadlines for the functioning of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR).

In considering the reports of the Tribunals in terms of the demands laid out in that resolution, first and foremost we would note the progress made in their work over the last half a year. Several major proceedings were completed. The process of preparing to transfer cases to the Residual Mechanism is moving ahead. We note the arrest by Serb authorities of Ratko Mladić and his transfer to The Hague. We also welcome the arrest in the Democratic Republic of the Congo of Bernard Munyagishari, an individual sought by the ICTR. We understand that, in accordance with current plans, his case will be referred to the relevant national court.

On the whole, we believe that the cooperation with the Tribunals of all States in the respective regions during the reporting period to be positive. With respect to the pace of the Tribunals' closing, we note the efforts of the ICTR, whose work remains on schedule for completion in accordance with the aforementioned resolution. Unfortunately, we are again unable to give a positive assessment to the work of the ICTY in that area. Its report (S/2011/316, annex I) contains newly updated timelines for the consideration of cases, which is a source of serious concern. For instance, the consideration of the Karadžić case has been extended. Increasingly odious is the case of Šešelj, who has already spent almost nine years in detention awaiting a decision in the first instance. There are plans to extend the timeline in his case, too.

These delays fail to meet any conceivable standard of civilized international justice. The

reconsideration of the *Haradinaj* case is only now beginning one year after the opening of the retrial. Although these cases remain within the timeline set out in resolution 1966 (2010), these trends cannot but alarm us. One example is the unacceptable situation with regard to the appeals proceedings in the *Prlić*, *Šešeljić* and *Tolimir* cases, in which, as a result of the latest extension of the timelines for proceedings in both instances, the conclusion of appeals is planned for 2015, which is beyond the date set in resolution 1966 (2010) for the ICTY's closure.

We recall that the basis for the compromise that led to the adoption of resolution 1966 (2010) was the schedule for the completion of cases presented last year by the ICTY itself. We insist that the key parameters of the compromise be strictly respected. We also do not consider the arrest of Ratko Mladić to be grounds for a possible extension of the ICTY's work. Trial activities of this case in the first instance can and must meet the deadline of 31 December 2014. The appeals in that case must be heard by the Residual Mechanism.

We understand that the complications in the proceedings are to a certain extent due to the problem of the departure of staff from both Tribunals. For our part, we are ready to assist in resolving that problem. We also recognize the existence of a problem arising from a lack of space in the penitentiary systems of the States that have concluded relevant agreements with the ICTY for individuals convicted to serve their sentences in prison. This problem must also be given close attention.

Ms. Ziade (Lebanon) (*spoke in Arabic*): At the outset, I should like to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (Rwanda) for their exhaustive briefings.

We welcome the efforts of the heads of both international Tribunals to fulfil the completion strategies for their work as soon as possible without undermining the requirements of due process. We also welcome the preparations to ensure the transition to the Residual Mechanism, in accordance with resolution 1966 (2010). We reaffirm the importance of the Tribunals' reports (S/2011/316 and S/2011/317) with respect to the transfer of a number of cases to national courts, which could facilitate the Tribunals' work and

help to strengthen the capacities of national legal systems and to disseminate the culture of accountability for those responsible for war crimes and genocide.

We also understand that some difficulties are not under the control of the heads of the two Tribunals and will have a negative impact on the completion of trials on schedule. One particular problem is the departure of professionals to pursue more stable positions. We call on all parties concerned to cooperate with a view to finding an appropriate solution allowing the conclusion of the final phase of trials as soon as possible, in implementation of resolutions 1954 (2010) and 1955 (2010).

We welcome the cooperation of most States, in particular those of the former Yugoslavia and the neighbours of Rwanda, with both Tribunals. We call on those States to strengthen their cooperation in order to ensure that the Tribunals can carry out their functions. These States play a very important role in locating, arresting and transferring fugitives to the Tribunals, as well as in providing information and evidence in order to shed light on the cases and ensure that justice is done, and in facilitating greater access to witnesses and improved witness protection.

We welcome the arrest of Ratko Mladić on 26 May in Serbia and his transfer to The Hague so that he may be brought before the ICTY. We also welcome the arrest of Bernard Munyagishari in the Democratic Republic of the Congo. Justice will certainly be done, albeit late. We welcome the efforts of the Informal Working Group on International Tribunals, chaired by Portugal, and the constructive role played by the Office of Legal Affairs in contributing to the success of the Tribunals' work and its transition to the Residual Mechanism.

We recall the importance of the international Tribunals in putting an end to the culture of impunity and ensuring accountability for criminals and the rule of law at the international and national levels. We must ensure the success of the Tribunals in achieving their goals in order to render justice to the victims, which will deter criminals and protect civilians in the future, not only in the former Yugoslavia and Rwanda, but throughout the world.

Mr. Berger (Germany): I would like to thank the Presidents and Prosecutors of the International Tribunal for the former Yugoslavia (ICTY) and the

International Criminal Tribunal for Rwanda (ICTR) for introducing their reports (S/2011/316 and S/2011/317). I also take this opportunity to thank Judge Byron for his work as President of the ICTR and to congratulate Judge Khalida Rachid Khan on her election as President of the ICTR.

Germany welcomes the arrest of Ratko Mladić on 26 May and his swift transfer to the Tribunal in The Hague. We congratulate the Serbian authorities on this success. It will bring Serbia closer to its European perspective. It also demonstrates once more that there will be no impunity for the perpetrators of the gravest crimes against international humanitarian law.

By adopting resolution 1966 (2010), the Council decided, on 22 December 2010, to establish the Residual Mechanism for the ICTY and the ICTR to finish their remaining tasks. This was a landmark decision that, on the one hand, will allow the prosecution of the remaining fugitives and, on the other hand, encourage both Tribunals to ensure the completion of their work by 2014, while respecting due process standards. That will fulfil the mandate of the Tribunals and also safeguard their legacy. The jurisprudence and the successful completion of the work of the Tribunals have and will set a precedent for international criminal justice.

The Council also requested both Tribunals to take all possible measures to complete all their remaining work no later than 31 December 2014, and decided that the Mechanism would continue their jurisdiction, rights, obligations and essential functions. It is in that context that we urge the Tribunals to take all measures to complete their work expeditiously. Germany is aware of the fact that additional resources might be needed following the arrest of Mladić. We are also aware of the ongoing problems of staff retention for both Tribunals. Germany is ready to find pragmatic solutions to those challenges so that the Tribunals will be able to keep their timetables and so that no further delays occur.

The arrest of the remaining 10 fugitives, including Goran Hadžić and Félicien Kabuga, remains a top priority for the completion of the Tribunals' work. Cooperation from States is crucial to that endeavour. We call on all States to fully cooperate with the Tribunals.

With regard to the ICTY, we call on Serbia to intensify its efforts to arrest the last remaining fugitive,

Goran Hadžić. We also welcome President Tadić's commitment to the continuing search for him. That should remain a key priority for the Serbian Government. We will continue to follow those efforts closely.

Turning to the ICTR, Germany welcomes the recent arrest of Bernard Munyagishari in the Democratic Republic of the Congo but nevertheless regrets that nine fugitives are still at large. We call on all States in the region, especially Zimbabwe, to render all the necessary assistance to the ICTR in order to locate and arrest those fugitives. The arrest of Félicien Kabuga should be a priority also for the Kenyan authorities.

Mr. Moraes Cabral (Portugal): I thank the Presidents and Prosecutors of the International Criminal Tribunals for the Former Yugoslavia and Rwanda for their very useful reports (see S/2011/316 and S/2011/317) and for their briefings here today. I should like especially to convey greetings to Judge Byron, along with our thanks for his work. I also warmly congratulate Judge Khalida Rachid Khan, to whom we wish every success as she assumes the functions of the presidency of the International Criminal Tribunal for Rwanda (ICTR).

I wish to make four comments.

First, I welcome the recent arrests of Ratko Mladić and Bernard Munyagishari. The arrest of Mladić — indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for genocide and crimes against humanity — is a significant outcome of the cooperation of Serbia with the ICTY and a positive step towards reconciliation in the region, as well as towards the European institutional perspective of Serbia and the other Balkan States, as the Council promptly recognized.

We also welcome Serbia's declared intention to continue the search for Goran Hadžić, the remaining person indicted by the ICTY who is still at large, on the same day that Bernard Munyagishari was arrested. He is accused of crimes against humanity during the 1994 conflict in Rwanda. He was captured after 17 years, through cooperation between the authorities of the Democratic Republic of the Congo and the International Criminal Tribunal for Rwanda. He should be brought before the ICTR, as should all those who are still fugitives.

Cooperation with the Tribunals is indeed most crucial to conclude their work. We note other developments in that regard reported by the Prosecutors, and their efforts, in cooperation with national authorities, to detain those still at large, who must be brought to trial, as well as to provide access to documents identified as necessary for their investigation. We welcome the efforts undertaken in the region by national authorities, as reported, and encourage all further possible efforts by those authorities to respond to the Prosecutors' and Tribunals' requests.

Secondly, I wish to commend the efforts put forward by the Tribunals in keeping as much as possible with the schedule of case work. In our view, it is important that the Tribunals are able to avoid significant slippage in their work in order to conclude the cases within the timeframe established, while making sure that the highest international standards of due process are preserved. On the other side, it is vital that all administrative obstacles hampering the Tribunals' work — namely, in the field of human resources — are rapidly and effectively removed. Portugal underlines the assessments of the Presidents of the Tribunals and will endeavour — in the Council, in the Informal Working Group and in the General Assembly — to support the appropriate measures, as identified, to facilitate their work, stressing the need for allowing the necessary measures to overcome difficulties, particularly in human resources management. The problem of staff attrition is a serious one, with a direct repercussion on the successful and timely transition to the Residual Mechanism. All efforts, including through flexible, pragmatic and administrative arrangements, should be made to facilitate the retention of the personnel needed to conclude in due time the cases assigned to them.

My third point is to highlight other important matters presented by the Presidents in their reports concerning the enforcement of sentences — that is, identifying and encouraging further countries willing to host convicted persons to serve their sentences and the particular situation of the three acquitted persons still remaining at a safe house in Arusha while efforts are under way to find host countries to receive them. Moreover, the question of victims — in particular, how to find a proper way to assist and support them through a possible trust fund — is yet another important matter brought to our attention by President Robinson. These

are issues that we will be discussing in the framework of the Informal Working Group on International Tribunals, which I have the honour to chair.

Fourthly, I wish to highlight and commend the efforts of the Tribunals and their staff, together with the Office of Legal Affairs (OLA), in the activities conducive to the establishment of the Residual Mechanism. Both the Tribunals and OLA have important tasks to carry out under the framework established by resolution 1966 (2010) in order to ensure a smooth transition to the Residual Mechanism in approximately one year. These are also matters that the Informal Working Group on International Tribunals will follow up very closely in the months to come. I am confident of the support of all the other members of the Working Group to pursue those objectives in the most efficient way possible.

Fighting impunity and pursuing justice for victims are crucial to preventing further crimes from occurring and to helping foster reconciliation between people in the regions concerned. The task is not only the responsibility of international tribunals; it is also the responsibility of national authorities. They play a fundamental role in ensuring that impunity is not tolerated, in particular through their resolve to address these crimes at the national level. Outreach and capacity building efforts are also crucial in that regard for an enduring justice legacy. We welcome the work undertaken by the Tribunals in that vein and encourage further engagement with national authorities to increase cooperation in that framework.

A good part of the debate on this agenda item in recent years in the Security Council has centred in the completion strategies of the Tribunals. This particular focus, as relevant as it is to closing part of an important cycle of international justice, should not make us forget the important role of the Tribunals for international peace and security as a whole. I would therefore like to conclude by paying my country's homage to the outstanding contribution made by the Tribunals and their staffs, represented here by both their Presidents and Prosecutors, to the international criminal justice system and the prevention of crimes, setting an example and paving the way for the establishment of other tribunals, in particular the International Criminal Court.

Ms. Guo Xiaomei (China) (*spoke in Chinese*): I wish at the outset to congratulate you, Sir, on your

assumption of the presidency of the Council for this month. I should like to thank Presidents Robinson and Khan, and Prosecutors Brammertz and Jallow, for their briefings. I wish also to take this opportunity to congratulate Judge Khan in particular on her election as President of the International Criminal Tribunal for Rwanda (ICTR), and to thank her predecessor, Judge Byron, for the contributions he made over the years to the work of the ICTR.

I should like to make the following points.

First, with respect to the progress made in the work of the two Tribunals, last year the Council adopted resolution 1966 (2010), by which it decided to establish the International Residual Mechanism for Criminal Tribunals. Its ICTR branch and its International Criminal Tribunal for the Former Yugoslavia (ICTY) branch will begin to function in July 2012 and July 2013, respectively. In its resolution 1966 (2010), the Council also requested the two Tribunals to complete all remaining work before the end of 2014 at the latest.

In that connection, we urge the two Tribunals to take effective measures to complete their work as soon as possible, as requested by the Security Council in its resolution, and to ensure a stable transition to the Residual Mechanism.

We note that both Tribunals are facing difficulties in the retention of staff, which has had a negative impact on the Tribunals' work. We hope that they will work cooperatively with the relevant organs of the United Nations and other parties concerned to address this problem as soon as possible.

Secondly, cooperation among countries is essential to the successful fulfilment of the judicial functions of the two Tribunals. The arrest and transfer of fugitives, the acquisition and provision of evidence and the enforcement of sentences all require cooperation among countries, especially with respect to the countries of the region.

We have taken note of the recent progress made by the Tribunals in the arrest and transfer of fugitives and welcome the cooperation provided by Serbia and the Democratic Republic of the Congo in that connection to the ICTY and the ICTR, respectively. We also welcome the cooperation provided by the countries of the former Yugoslavia, including Croatia

and Bosnia and Herzegovina, to the ICTY, and the cooperation provided by Kenya to the ICTR.

The Presidents of both Tribunals also highlighted the difficulties they face in the enforcement of sentences and the resettlement of acquitted persons. We call on countries that are in a position to do so to show political will and assist the two Tribunals in solving this problem.

Thirdly, the transfer of cases and fugitives, to the extent possible, to countries that are able and willing to handle them is an important step in the implementation of the completion strategy of the two Tribunals. We note that the Prosecutor of the ICTR has already provided a request to the relevant trial chamber on the transfer of the relevant cases to Rwanda. We welcome this progress and hope to see a positive outcome. In that respect, we also support full cooperation with the Tribunal by the countries concerned.

Mr. Parham (United Kingdom): I would like to start by reiterating the United Kingdom's continuing support for the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in combating impunity and bringing justice for victims in the former Yugoslavia and in Rwanda. I commend all the judges and staff of the Tribunals for their important contributions. I convey also my thanks to Presidents Robinson and Khan and Prosecutors Brammertz and Jallow for their briefings this morning, and offer my congratulations to Judge Khan on her recent appointment as President of the ICTR. I should like also to express my Government's thanks to her predecessor, Judge Byron, for his valuable contribution to the Tribunal during his term as President.

Dealing first with the ICTY, I would like to congratulate and commend the Serb authorities for the arrest and transfer of Ratko Mladić. I encourage them not to lose momentum and to seek the apprehension of Goran Hadžić in the same way. Mladić's transfer is evidence of the Serb Government's commitment to cooperation with the ICTY and another important milestone for the Tribunal itself.

This development underlines the need for the ICTY to organize its work more efficiently and conduct trials fairly and expeditiously. The United Kingdom is particularly concerned about judgements taking up to a year and a half to be delivered after the conclusion of closing arguments. I hope that the Tribunal and the

President will take all possible steps to ensure the effective management and timely completion of all trials and appeals.

The United Kingdom welcomes the assessment made by Prosecutor Brammertz that Croatia continues to respond to his requests and provide access to witnesses and evidence as required. However, there remain inconsistencies raised in connection with the findings of the Croatian Government's task force on Operation Storm which need to be followed up, despite these having been raised by the Prosecutor in his last report.

However, I am encouraged that Croatia has said that it will continue its administrative investigation into the missing military documents concerning Operation Storm and hope that its continued efforts will soon bring about a successful resolution to this matter.

I should like to support the request made by President Robinson to all suitable nations to consider entering into sentence-enforcement agreements with the Tribunal, as the United Kingdom has done, in order to assist the Tribunal in delivering justice.

Moving now to the ICTR, I welcome the recent news that one of the remaining fugitives, Bernard Munyagishari, has been arrested in the Democratic Republic of the Congo. Congratulations should be passed to the Government of the Democratic Republic of the Congo, and I would encourage it to work with the ICTR and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to transfer custody of the fugitive without delay.

The mandate of the ICTR cannot be completed until all the remaining fugitives have been arrested and delivered into the custody of either the ICTR or the Residual Mechanism. In that regard, I call on all States Members of the United Nations to provide the ICTR with full cooperation and ensure that the remaining fugitives are brought to justice. As Prosecutor Jallow has emphasized, both Kenya and Zimbabwe need to take significant steps to cooperate with the ICTR in the tracking of Félicien Kabuga and Protais Mpiranya, so that they can be brought to justice.

In its report (S/2011/317), the ICTR has highlighted the fact that there will be slippage into 2012 of some first-instance trials, with appeals to be

completed in 2014. The United Kingdom is concerned that, at this very late stage in the Tribunal's completion strategy, there should be no further delays. I would encourage all parts of both Tribunals to continue to look for innovative approaches and to share best practices wherever possible, with a view to avoiding further delays in completion. In that context, it is commendable to note the Prosecution's creative response to immediate access to materials through the electronic disclosure suite.

The United Kingdom recognizes the difficulties faced by both Tribunals as a result of staff losses. Staffing matters, as President Robinson said, are not directly within the competence of the Security Council, but nevertheless I do want to take this opportunity to express our support for action by the Secretariat and the responsible organs of the United Nations, within existing resources, in order to find practical solutions to address these problems. The Tribunals need to continue to be adequately staffed so that they can complete their work.

Mr. Osorio (Colombia) (*spoke in French*): Allow me at the outset to congratulate you, Sir, on your assumption of the responsibility of guiding our work and to wish you every success during your presidency. My delegation stands ready to provide you with the fullest possible cooperation. I wish also to thank and congratulate France for its effective presidency of the Council last month.

(*spoke in Spanish*)

I wish to thank Judge Patrick Robinson and Judge Khalida Rachid Khan for their briefings and for the important work they have done, as well as for the very frank and serious manner in which they explained the situation of the Tribunals over which they preside. I would also like to thank Prosecutor Brammertz and Prosecutor Jallow for their contributions to this debate.

My delegation believes that the two Tribunals have done commendable work in carrying out the Council's decisions on the completion strategies for the Tribunals' responsibilities. It is now up to us, the members of the Council, to take the action necessary for the process to continue in a satisfactory fashion.

I would like to highlight one aspect. In the same way that in the past the Council has expressed the need for the Tribunals to undertake a set of measures to speed up their work and rationalize their resources, at

this stage the Tribunals also have a legitimate expectation that the Council will adopt decisions that facilitate their task. We hope sincerely that we can rise to those expectations.

The legacy that the activities of the Tribunals for Rwanda and the Former Yugoslavia will leave for the advancement of the development of international law is unprecedented. The Council can be rightly proud that its historic decisions in 1993 and 1994 establishing these Tribunals prepared the way for developments leading to the establishment of an effective system of international criminal law and of the International Criminal Court.

Practically speaking, the issue of the staff of the Tribunals and their retention is without doubt the most serious problem facing both judicial bodies. President Robinson in particular made it clear that the situation in that regard had become critical and could lead at any time to a complete standstill in the workings of the Tribunal and impede its compliance with the completion strategy.

While we are aware that a definitive resolution to this problem goes beyond the scope of the Council's functions, we nevertheless sympathize with the requests that both Presidents have made in that the efforts currently being made could be strengthened if we members were vocal in our support and sent a clear and unequivocal message about the crucial importance of resolving this matter. If not, it will be difficult if not impossible to ensure the proper execution of the completion strategies. In the final analysis, that represents compliance with the relevant decisions of the Council. We Member States should ourselves be very clear about the potential negative repercussions of all sorts that could result if the staffing problems affecting both Tribunals are not resolved as quickly as possible, so that the General Assembly, through the Fifth Committee, can benefit from a similar understanding when it comes to making an informed decision.

We believe that the Council could reiterate even more vehemently its past calls for the relevant parts of the Secretariat to step up the efforts they have been making in that regard. Those efforts are laudable and deserve our full gratitude, but we believe that it is very important to impress upon all the pertinent bodies the notion that this is not an ordinary administrative problem affecting some entity or other. This is about

two very prestigious institutions that are about to complete their work in a systematic and orderly way, have a high record for efficiency, were established by the Council under very specific conditions and have performed an invaluable service for the cause of international justice and the maintenance of international peace and security.

I would like to highlight a particularly interesting aspect mentioned by President Robinson in his report, namely, the possibility of establishing a mechanism or system for providing assistance and support to victims, similar to the one in place for the International Criminal Court. In that regard, we sympathize, as a matter of principle, with President Robinson's argument that the International Criminal Tribunal for the Former Yugoslavia cannot attempt to bring peace and reconciliation to the region simply through issuing judicial decisions and handing down sentences. There must also be other reparation measures to complement sentences, one of which could be the mechanism that has been mentioned for providing assistance and support to victims. Moreover, what the Council is being asked to do in this regard is to provide support, which would not imply financial obligations for States, as it would be based on voluntary contributions. My delegation calls on the members of the Council to consider Judge Robinson's request positively.

With regard to the International Criminal Tribunal for Rwanda, the most pressing problem has to do with the conditions for carrying out the functions of the President and Vice-President, as described by Judge Byron in his letter to the Secretary-General (S/2011/317). Here, once again, a subsidiary body of the Council is calling on us to adopt urgent measures to facilitate its continued operations and the conduct of existing programmes to carry out the completion strategy. I trust that we will be able to respond to these difficulties with the urgency they deserve.

Just a few days ago, through the President, the members of the Council expressed our satisfaction at the arrest of Ratko Mladić. In doing so, we reiterated our commitment to ensuring that there is no impunity for perpetrators of genocide, war crimes and crimes against humanity. The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are the main vehicles through which the Council has exercised its will. Now, as the activities of both judicial bodies are being wound down, it is essential that we take the necessary

decisions to ensure the orderly and effective conclusion of their mandates.

Mr. Sangqu (South Africa): Allow me to thank Judge Khalida Rachid Khan, President of the International Criminal Tribunal for Rwanda (ICTR), and Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (ICTY), for their reports (see S/2011/316 and S/2011/317) and for their leadership of those two judicial institutions, which have been so important in the fight against impunity. I am also grateful to Mr. Hassan Jallow and Mr. Serge Brammertz, the Prosecutors of the ICTR and ICTY, respectively, for all their efforts. I would also like to offer a word of appreciation to the former President of the ICTR, Lord Dennis Byron, who has presided over the Tribunal since 2007. I am aware that Judge Byron will be relinquishing his position in charge of the Tribunal to take up new challenges. We wish him well in his new endeavours. At the same time, we welcome Judge Khan and wish her all the best at this crucial time in the life of the Tribunal.

While the reports raise many of the same issues that have been presented to the Council in previous reports, notably the impact of staffing challenges on the Tribunals' capacity to meet their completion strategy, these particular reports come at an important time in the life of both Tribunals. On 22 December 2010, the Council adopted resolution 1966 (2010), which established the International Residual Mechanism for the Tribunals. The reports prepared since the adoption of that resolution have to be considered against that backdrop.

In that regard, as of 1 July 2012 and 1 July 2013, respectively, the jurisdiction rights, obligations and essential functions of the ICTR and ICTY will be transferred to the Mechanism. There is thus added urgency for both Tribunals to take all possible measures to expedite their remaining work, in order to ensure a smooth transition to the Mechanism, as stated in both reports on the Tribunals. If they are to meet the Completion Strategy, innovative judicial administrative steps will have to be taken. An important measure, which we hope the Tribunals will rely on more, is the referral of cases to domestic courts, in accordance with the respective statutes established in the Tribunals. We continue to believe that, to the extent possible, cases should be handled by domestic courts. This is both to enhance domestic capacity to promote the evolving

principle of complementarity, and to ensure that, to the extent possible, justice is meted out close to the people affected by the atrocities. Thus, we call upon the Tribunals to make full and generous use of the Statutes' provisions relating to referrals. In this context, we are pleased that the ICTR Prosecutor intends to make greater use of referrals to domestic courts in future, and we welcome the domestic trials referred to by the ICTY, which are at various stages of progress. We are aware, of course, of the challenges faced by the Tribunals in finding suitable domestic courts.

My delegation also welcomes the recommendations adopted by the ICTY in June 2010 on speeding up trials that it is hearing, particularly the recommendation that the trial chambers require parties to present motions on admission of evidence as efficiently as possible.

While we continue to stress the importance of the Tribunals taking all possible measures to carry out their functions as quickly as possible, we stress that this should not prejudice the rights of the accused or fair trial standards.

The responsibility to do all that is necessary to ensure early completion of the Tribunals' work rests not only with the Tribunals but it is equally the responsibility of the international community — on whose behalf the Tribunals act — to provide necessary resources to enable the attainment of this goal. We thus assure the Tribunals that this delegation will do all that it can within the Council and the General Assembly to ensure that the necessary support is forthcoming.

We also take this opportunity to stress the importance of cooperation between the Tribunals in accordance with their respective Statutes, in particular article 28 of the ICTR Statute and article 29 of the ICTY Statute, and the relevant Security Council resolutions. We stress especially the obligation to cooperate with the Tribunals in effecting the arrest of those wanted by the Tribunals. In that connection, South Africa commends the Governments of Serbia and the Democratic Republic of the Congo for their arrests of Ratko Mladić and Bernard Munyagishari on 26 and 27 May, respectively.

We have noted the concern of the ICTR regarding the need to relocate persons acquitted by the Tribunal. But South Africa is also concerned about the human rights implications of retaining acquitted persons in safe houses and the slow pace of identifying adequate

places for relocation. We remain of the view that location matters must be addressed, on a case-by-case basis, with States willing and able to receive relocated persons in their territories. The ability of a State to put the necessary measures in place for effective relocation is a conclusive factor in this regard. We encourage the ICTR to continue in the context of article 26 of the Statute — which we believe is analogous — to engage Member States in the region and elsewhere with a view to identifying suitable places.

Finally, as the Tribunals move towards completing their work in accordance with the completion strategy, it is important that they also begin preparations for a smooth transition to the Residual Mechanism. We are thus pleased to note that the Tribunal organs have begun to interact with a view to ensuring a smooth transition.

Once again, South Africa thanks the Presidents of the ICTY and ICTR and the respective Prosecutors of the Tribunals.

Mrs. DiCarlo (United States of America): I greatly thank Presidents Robinson and Kahn and Prosecutors Brammertz and Jallow for their briefings today. I congratulate Judge Kahn on her new appointment and thank Judge Byron for his valuable service.

The Council has opened this debate on a day when Ratko Mladić is in The Hague. His capture, arrest and transfer to the International Criminal Tribunal for the Former Yugoslavia (ICTY) is a milestone on the path to justice and reconciliation. We commend the Government of Serbia for apprehending Mr. Mladić, and we welcome President Tadić's statement about his country's commitment to apprehending the final ICTY fugitive, Goran Hadžić. Mladić's capture means that he will now have to answer to victims for his alleged crimes, including the genocide at Srebrenica, Bosnia and Herzegovina, in 1995. It puts perpetrators of mass atrocities on notice that they will be held accountable for genocide, war crimes and crimes against humanity. We expect all United Nations Member States to take the steps necessary to bring to justice those indicted by the Tribunals.

We welcome the steady progress made by the ICTY and the International Criminal Tribunal for Rwanda (ICTR) in increasing efficiency. We urge both Tribunals to strive to complete their work at the earliest possible date. We are mindful of the importance of

doing so without sacrificing the high standards of a fair trial. We urge the Presidents, and the Judges who act as managers of the courtrooms, to take every measure to ensure that trials and appeals are both expeditious and fair. These Tribunals and their predecessors have had genuine historic impact.

The establishment last December of the International Residual Mechanism for Criminal Tribunals demonstrated that war crimes fugitives cannot escape justice. The Residual Mechanism will allow for the completion of those functions that will necessarily outlast the Tribunals themselves. Transfers of cases to national jurisdictions have been made possible because States have further developed their judicial and investigative capacities. Programmes such as the joint European and ICTY training project for national prosecutors and young professionals are welcome efforts to help build such long-term capacity.

Again, we applaud the Tribunals' work thus far, and we urge them to make the most efficient use of available resources. We also encourage the Tribunals to continue to work with the United Nations Secretariat and other relevant United Nations bodies to develop practical and effective methods, including retention measures, to address the staffing shortages and attrition problems highlighted in the Prosecutors' and Presidents' reports.

The United States calls on States of the former Yugoslavia to cooperate fully with the ICTY. That is both a legal obligation and a key to Euro-Atlantic integration. We welcome the Government of Croatia's continued strong record of cooperation with the ICTY and its commitment to continue to search for any additional information requested by the Prosecutor. Croatia provided crucial witnesses and documents in the important case against Ante Gotovina and others that proved critical to the Tribunal's deliberations. We appreciate Croatia's reaffirmation of its commitment to support the ICTY through the conclusion of its processes.

Let me now turn to the International Criminal Tribunal for Rwanda. The United States welcomes the judgment in May in the case of the former chief of staff of the Rwandan army, the former head of the military police and the two former commanders of the reconnaissance battalion. This was the second case concluded by the ICTR that involved the responsibility of former senior military officers. It represents an

important step for the Rwandan people towards justice and accountability.

The United States also welcomes the recent apprehension of the fugitive Bernard Munyagishari in the Democratic Republic of the Congo. We urge all States to cooperate fully with the ICTR in their efforts to locate and apprehend fugitives. We commend those countries that are cooperating with the ICTR to bring the remaining nine fugitives to justice. We encourage continued progress so that these fugitives can be swiftly arrested.

On behalf of the United States, let me thank the Office of Legal Affairs for its dedication and service to the Tribunals. Let me also again thank the Presidents, Prosecutors, Registrars and their staffs for all that they do to promote justice under international law for the victims of war crimes and mass atrocities.

We will never be able to bring back those who were murdered in Rwanda or in the former Yugoslavia. But Ratko Mladić will now have to answer to his victims and the world in a court of law. From Nuremberg until today, my Government has long viewed justice for war crimes, crimes against humanity and genocide as both a moral imperative and an essential element of stability and peace. We reaffirm those convictions again today.

Mrs. Dunlop (Brazil): I thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their informative briefings and reports (see S/2011/316 and S/2011/317). Brazil commends their efforts towards fulfilling the remaining judicial functions of those institutions in a timely manner. We also believe that the recent arrest of Ratko Mladić brings fresh air to the prospect of judicial accountability, which is encouraging to the victims of atrocities in the territory of the former Yugoslavia.

I would like briefly to address two issues present in both reports: the completion strategy and the measures adopted so far, and staff retention. The reports of both Tribunals inform us of the challenges that those institutions have faced over the years and about important achievements in the administration of justice. We are glad to note that the use of technology in a document-intensive context has allowed for a more efficient use of resources and personnel. All initiatives to expedite the proceedings, while fully respecting the

rights of the accused, should be praised. The fulfilment of the completion strategies deserves the Security Council's attention and should receive the full support of the international community as a whole.

Brazil is concerned by the issue of staff retention, as described in the reports. We agree that the Council should be attentive to the day-to-day routine of the Tribunals. The impact of the lack of adequate personnel on the work of the Tribunals should be dealt with as a priority matter by the relevant United Nations bodies.

One of the main challenges of relying on ad hoc rather than permanent Tribunals becomes clear at a moment like this, when the institution has fulfilled most of its core functions, but important tasks — such as the trials of fugitives, supervision of the execution of sentences, witness protection and the preservation of documentation — remain. Thus, it is even more important that adequate attention be given to the remaining tasks of the international Tribunals.

Brazil has actively participated in the establishment of the Residual Mechanism. We believe that such a Mechanism adds an element of certainty in the administration of justice that needs to be emphasized.

We agree that the Tribunals alone cannot bring peace and reconciliation to the region through judicial decisions. It takes time for true peace and reconciliation to lay their roots. The journey to peace and reconciliation does not necessarily need to wait for the results of the work of Tribunals such as the ICTR and the ICTY, but will never be complete without it. Brazil reiterates its understanding that the Tribunals had and will have an important impact on peace and reconciliation in the Balkans and the Great Lakes region by promoting the rule of law and judicial accountability and by helping those countries to achieve a more equal and just future.

In that context, bringing the Tribunals closer to the communities most seriously affected by international crimes is crucial to ensuring the legacy of such institutions. That is particularly relevant in the lives of younger generations. Brazil strongly believes that students, teachers and civil society as a whole must promote the relevance of judicial accountability as a necessary element of lasting peace.

Mr. Manjeev Singh Puri (India): At the outset, I would like to join others in thanking Judge Robinson, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Judge Khan, President of the International Criminal Tribunal for Rwanda (ICTR), for their presentations and assessment of the Tribunals. We also appreciate the briefings given by the two Prosecutors.

India welcomes the progress made by the two Tribunals in expediting their work. We appreciate the measures adopted to implement the completion strategies. The Tribunals have set up new benchmarks and adopted innovative procedures to expedite their day-to-day work, including e-Court and e-Filing, amendments to the Rules of Procedure and Evidence, and case management techniques. The adoption and implementation of e-Court and e-Filing procedures could serve as a useful model in the national courts to which some of the cases have been transferred.

We are happy to note that the ICTY has transferred all low- and mid-level accused from its trial docket to national courts, in accordance with resolution 1503 (2003), and that the Prosecutor is continuously monitoring the progress of the referred proceedings in national courts in the region. We also commend the efforts of the Prosecutor to handle such cases through effective partnerships with national prosecutors and courts in the region, including training initiatives aimed at strengthening the capacity of national systems.

It is critical that the Tribunals finish their work on time. We have listened very carefully to the concerns raised by the Presidents of the two Tribunals in relation to their ability to keep pace with their work, while adhering to the expected timelines until the close of business.

The judges have pointed out that the Tribunals' trials and appeals continue to be affected by staffing shortages and the loss of highly efficient staff members. We share the concerns expressed by the judges, especially on the need to retain adequate and experienced staff. Careful consideration should be given to the suggestions made by the Tribunals on how to address that challenge. This is a practical issue and requires the consideration of pragmatic and innovative solutions, and we stand ready to work with the other members of the Council to resolve it. Judge Robinson also raised the issue of the enforcement of sentences,

which is an important matter that needs further consideration.

We welcome the cooperation extended to the Tribunals by all States concerned, which is vital to ensuring the completion of the mandates of the Tribunals and to the implementation of the completion strategies. The arrest of Ratko Mladić is an important example of effective cooperation, and we appreciate Serbia's sustained efforts in that regard. We hope that the remaining fugitives will be located soon and surrendered to the Tribunals.

We also note with satisfaction the progress made by the ICTY Residual Mechanism Steering Committee in the implementation of the International Residual Mechanism for Criminal Tribunals established pursuant to resolution 1966 (2010). A multitude of factors is involved in that process, and we hope that the Steering Committee, in coordination with the ICTR, the Office of Legal Affairs, the Archives and Records Management Section and the Council's Informal Working Group on International Tribunals, will accomplish those tasks smoothly and successfully. Any functional, operational or institutional issue in the completion strategy may be addressed by the Council as and when it arises.

In conclusion, we believe that the two Tribunals have implemented their mandates admirably. We consider that the support of the Security Council is crucial at this critical juncture in the life of the Tribunals. At the same time, we urge both Tribunals to take all necessary steps to keep the trial and appeals schedules on track. That will pave the way for the successful trials of the remaining accused and a smooth transition to an effective Residual Mechanism.

Mr. Amieyeofori (Nigeria): I join others in thanking the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their very useful briefings on the work of the Tribunals.

Nigeria welcomes the further progress made by the ICTY and the ICTR in implementing their completion strategies during the past six months. We note with satisfaction the measures taken by the Tribunals to expedite the conduct of their proceedings, including reforms, while ensuring compliance with due process standards. We believe that more tangible steps towards enhancing the current staffing levels in both

the ICTY and the ICTR will help to reinforce those improvements. We recognize that resolutions 1554 (2010) and 1555 (2010) call upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrars of the Tribunals to find practical solutions to address the issue. We therefore urge that intensified efforts be undertaken to find more pragmatic measures to address this issue more decisively. That becomes more critical as both Tribunals approach the completion of their work.

Nigeria underscores the importance of sustained and close cooperation between Member States and the Tribunals in enabling them to achieve their set goals. Those goals include the arrest of fugitives, the preparation of referrals to national jurisdictions, the relocation of acquitted persons and assistance to national prosecution authorities.

It is encouraging that both Tribunals have continued to assist in strengthening the capacity of States to try alleged violators of international humanitarian law in their own courts. Those efforts are helpful in building the legacy of the Tribunals and the institutions of international humanitarian law.

The Tribunals' continued efforts at tracking the remaining fugitives deserve our strong support. We applaud the outstanding efforts of the Serbian authorities in arresting Ratko Mladić and hope that it will help to bring reconciliation to the Western Balkans region. We also commend the authorities of the Democratic Republic of the Congo for arresting Bernard Munyagishari. We call on all relevant States to intensify efforts towards ensuring that the remaining fugitives are apprehended and brought to justice. There is also a need to intensify cooperation with the Tribunals with respect to the referral of cases to national jurisdictions and the resettlement of persons acquitted by the Tribunals.

The Tribunals have made commendable progress in raising awareness of their work through their outreach programmes. More of these activities will be needed as they gradually move towards the completion of their work. We call for sustained donor support for these activities, more particularly in funding the reference centres of information.

It is edifying to note the measures being taken by the Tribunals to implement resolution 1966 (2010). In our view, every effort should be geared towards ensuring a smooth transition to the Residual

Mechanism. We therefore support the establishment of a joint action plan by the Tribunals and their Prosecutors in order to coordinate the activities and the many stakeholders that have been involved in the setting up of the Mechanism. We also commend the progress on the drafting of the rules of procedure and evidence of the Residual Mechanism and on the access and security policy for the records of the Tribunals and the Residual Mechanism.

Allow me to put on the record our deep appreciation for the diligent and valuable efforts of the Presidents and Prosecutors of the ICTY and ICTR in support of the global fight against impunity amidst very challenging circumstances.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of Gabon.

My delegation joins others in congratulating and thanking the Presidents and Prosecutors of the Tribunals for their respective briefings. I would also like to take this opportunity to welcome the excellent work done since January by the delegation of Portugal in leading the Informal Working Group on International Tribunals.

Gabon welcomes the progress made in implementing the completion strategy and commends the firm determination that the Judges, Prosecutors and staff have shown to bring about the rapid completion of their work. We are convinced that all of these efforts will enable a smooth transition towards the Residual Mechanism as provided for by the Council in resolution 1966 (2010).

Our debate is taking place at a time when important developments in the fight against impunity have just taken place. The arrests on 25 and 26 May of Bernard Munyagishari and Ratko Mladić, respectively, have great symbolic value and show the determination of Governments to cooperate in the fight against impunity in their respective States. My delegation would like to express its satisfaction and congratulations to these Governments, in particular that of Bosnia and Herzegovina.

These arrests also remind us that justice requires patience and sacrifice. We must seize the momentum thus created, and Gabon encourages the international community and concerned States to strengthen their cooperation with a view to achieving the arrest of the

other fugitives. This cooperation should also contribute to the implementation of the completion strategy.

Without efficient judicial and penal institutions, such as the International Criminal Tribunals, it would be very difficult to fight effectively against impunity or to strengthen international criminal justice. The standards-setting actions of the Security Council in this area are universal in scope and should be strengthened in time. Gabon encourages stronger political will and actions to strengthen the work of the Tribunals in their actions to complete their work within the trials' schedules. The Judges and Prosecutors have told us about the difficulties that could compromise the pursuit of their mandates. We hope that the measures recommended will be taken into consideration.

The Tribunals must be given appropriate financial and human resources until the transfer of responsibility to the Residual Mechanism. The provisions contained in General Assembly resolution 65/253 are a step in the right direction.

In conclusion, as we highlighted during the last debate on this issue (see S/PV.6434), it is important to strengthen the capacity of national judicial systems. The training of staff in national judicial institutions, in particular judges and support staff, should be a fundamental aspect of the global mechanism for implementing this strategy.

Finally, Gabon would like to thank the Office of Legal Affairs for the work it has done in supporting the various Tribunals.

I now resume my functions as President of the Security Council.

Pursuant to rule 37 of the Council's rules of procedure, I now give the floor to the representative of Serbia.

Mr. Starčević (Serbia): At the outset, allow me to express the satisfaction of the Republic of Serbia with the Security Council's recent press statement (SC/10265), and particularly with the congratulations my country received for the recent arrest of Ratko Mladić and the acknowledgment that the arrest was a clear demonstration of the Government of Serbia's cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). I would also like to thank all of the Council members who commended Serbia in their statements today.

I would also like to extend our thanks to the President and the Prosecutor of the ICTY, Judge Patrick Robinson and Mr. Serge Brammertz, for their ongoing efforts related to the Republic of Serbia's cooperation with the Tribunal. These efforts have been additionally intensified by the activities related to the conclusion of the Tribunal's mandate and the preparations for the successful commencement of the International Residual Mechanism for Criminal Tribunals.

At the same time, I would also like to welcome the President and the Prosecutor of the International Criminal Tribunal for Rwanda, Judge Dennis Byron before and Judge Khalida Rachid Khan now, and Justice Hassan B. Jallow, who, in parallel with the President and the Prosecutor of the ICTY, play an important role in closing one of the important chapters in the history of international justice and, at the same time, contribute to the establishment of the new body that will continue the legacies of the two Tribunals.

Concerning Serbia's cooperation with the ICTY, I will briefly comment on the current report of the Prosecutor (S/2011/316, annex II).

Serbia shares the Prosecutor's assessment regarding all areas of cooperation except, obviously, for the part on the fugitives. As recent developments have shown, that part of the Prosecutor's report has been rendered largely obsolete, and I am pleased that the Prosecutor, in his recent statements, including before the Council today, has recognized that fact.

In any case, Serbia is pleased to say that the arrest of Ratko Mladić came as a result of the continuous and intensive efforts of all those participating in the investigations and searches for the fugitives. The arrest of the last remaining fugitive, Goran Hadžić, will continue to be a priority for Serbia in the coming period. No impunity will be allowed and no issue in relation to cooperation with the Tribunal will remain unresolved.

Serbia has arrested and transferred to the Tribunal 45 out of 46 persons that were believed to be in Serbia. All documents requested from Serbia have been promptly delivered for the purpose of the ongoing trials and appeal procedures. Access to witnesses and State archives has been granted to the Office of the Prosecutor and to the defence teams without a single exception. For all these reasons, Serbia believes that it

has now undoubtedly achieved full cooperation with the ICTY.

Nevertheless, Serbia will continue to maintain its cooperative relationship with the Tribunal in all aspects, and will continue with its proactive approach to the stabilization process in the region, hoping that, as the Security Council has also stated, the recent actions of Serbia will bring the Western Balkans even closer to reconciliation. In this way, Serbia will continue to actively contribute to the achievement of international justice and, at the same time, to the strengthening of the European perspective of all States established in the territory of the former Yugoslavia.

Serbia remains strongly interested in the implementation of the Tribunal's completion strategy and has already expressed its interest in participating, to the greatest extent possible, in the deliberations on issues related to the archives and in the commencement of the Residual Mechanism. Serbia therefore retains its position submitted to the Security Council in October 2008 and March 2009, and reiterates its readiness to actively participate in all future discussions on these issues. My country is confident that the full level of cooperation with the ICTY it has achieved will continue in the upcoming period and that it will secure a smooth transition to future cooperation with the International Residual Mechanism for Criminal Tribunals.

Taking all of this into consideration, the Republic of Serbia wishes to address once again the grave issues of organ trafficking and persons unaccounted for after the Kosovo conflict in 1999. My country is firmly resolved to insist that the truth be established regarding all the missing persons and victims of the armed conflicts in the Balkans during the 1990s. The rejection of impunity has to apply equally to all such cases, and Serbia, which is fulfilling its obligations in this regard, has every right to insist that others do the same.

In this regard, I would like to reiterate our request that the Security Council establish an independent mechanism to conduct an overall investigation of organ crimes. Only such a mechanism established by the Security Council would have the power to conduct an impartial and full investigation of these crimes and the prosecution of all those found responsible for them. That is precisely why all other crimes committed during the conflicts in the former Yugoslavia have been and are being investigated by mechanisms established

by the Security Council. To do differently with these most atrocious of crimes would truly be a monumental injustice, and we hope and believe that the Council will not allow it.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Vilošić (Croatia) (*spoke in French*): At the outset, I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council and to wish you a successful month. We are certain that, under your able leadership, the Security Council will discharge its great responsibilities successfully.

I would also like to express our appreciation to Presidents Robinson and Byron and Prosecutors Brammertz and Jallow for their detailed reports on the work of the Tribunals (S/2011/316 and S/2011/317) and the progress achieved in and the challenges facing the implementation of the completion strategy.

(*spoke in English*)

Furthermore, we welcome Judge Khalida Rashid Khan as the newly elected President of the International Criminal Tribunal for Rwanda (ICTR), and express our full confidence in her ability to successfully master the tremendous task in front of her.

Croatia recognizes the efforts made by the Tribunals to implement the previously elaborated strategy for the finalization of their work and the transition to the Residual Mechanism. Croatia actively participated in the creation of the Mechanism and looks forward to its future work aimed at helping safeguard the Tribunals' legacy and successfully fulfilling their residual functions, in particular regarding the processing of remaining fugitives, archives management, witness protection and the serving of sentences.

At the same time, we are aware of the many challenges facing the Tribunals, and we firmly believe that their widely recognized legitimate objectives should not be pursued at the expense of the mandate under which they were established and that they should not compromise full respect for due process standards. The Tribunals' mandate cannot be considered accomplished until all remaining fugitives accused of the gravest crimes are brought to justice.

In this context, Croatia welcomes the fact that, after 16 years, Serbia located, arrested and transferred

to The Hague Ratko Mladić, indicted for the worst atrocities committed since the Second World War. We also remember here the victims of the war crimes committed against the civilian population in Croatia, in particular in Škabrnja, Zadar, Šibenik, Kijevo, Vrlika, Sinj and other towns attacked by the Yugoslav People's Army (JNA) under orders of Ratko Mladić while he was commander of the Ninth Corps of the JNA based in Knin, Croatia; as well as his orders to launch indiscriminate attacks against civilian objects, knowing that such attacks would cause excessive loss of life or injury to civilians, in particular his attempt of flooding a large populated area by destroying the Peruća Dam.

Justice needs to be served in these cases as well. In this sense, we would regret it if Ratko Mladić were not prosecuted in The Hague for the crimes committed in Croatia. The arrest of Ratko Mladić, however, raises the hope that Goran Hadžić, the last remaining fugitive indicted by the ICTY for grave atrocities in Croatia, will also soon be rendered accountable before the International Tribunal for the Former Yugoslavia.

Croatia remains strongly committed to its cooperation with the Tribunal. This unequivocal cooperation was clearly confirmed by the Prosecutor's latest assessment, according to which

"Croatia continues to respond in a timely and adequate manner to requests by the Office of the Prosecutor's for assistance and provides access to witnesses and evidence as required" (S/2011/316, annex II, para. 56).

The special task force established by the Croatian Prime Minister continues to actively pursue its investigations. During the reporting period, the task force produced three reports on current operations and a separate report summarizing all its activities and findings to date. Let me add that the task force's professionalism and competence were also duly noted and recognized by the Prosecutor in his previous report.

With regard to the missing documents that are still "unaccounted for" (S/2011/316, annex II, para. 57), let me point out that, in its summarizing report, the Task Force provided its professional assessment about the fate of the missing documents and that Croatia went on with its investigation in this matter and is strongly committed to continuing to undertake all reasonable and feasible measures at its disposal.

Over the reporting period, Croatian officials at the highest level remained engaged in direct and open dialogue with the Tribunal and the Prosecutor, who visited Zagreb on 4 May and met with the Prime Minister, the Minister of Justice, the State Prosecutor and members of the Task Force. Furthermore, Croatian judges and prosecutors participated in peer-to-peer meetings and training sessions aimed at transferring the Tribunal's institutional knowledge and specialized skills to Croatian colleagues and at enhancing national capacities and strengthening national institutions. In addition, Croatia welcomes the Tribunal's efforts focused on increasing national capabilities to handle complex war crime trials by providing trial transcripts produced in local languages to the countries of the region.

In that context, let me also mention the fifth regional conference of State prosecutors, which was hosted by the State Prosecutor of Croatia — with the participation of ICTY Prosecutor Brammertz, prosecutors from Bosnia and Herzegovina and Montenegro and the war crimes Prosecutor of Serbia — and held on 26 and 27 May in Brijuni, Croatia. The main goal of the conference was to further discuss cooperation in war crimes cases between prosecution offices from the region, the cooperation between the Office of the Prosecutor and national prosecutions and concrete cooperation projects to facilitate the exchange of information related to war crimes cases.

Let me reiterate that Croatia continues to fully cooperate with the ICTY. Croatia is convinced that the cooperation of Member States, especially those from South-East Europe, remains crucial for the successful accomplishment of the ICTY's mandate and for meeting its completion strategy goals. War crimes are not subject to statutes of limitations, which is why regional cooperation and establishing the impartiality of national courts in all the countries in the region, even after the ICTY lifetime, is so important.

Determined to implement the strategy for the investigation and prosecution of war crimes committed from 1991 to 1995, Croatia has introduced measures to reinforce and expand the positive impact of the four existing specialized war crimes courts. With a view to speeding up domestic trials, it has furthermore enabled the evidence collected by the bodies of the ICTY to be used by domestic courts.

Furthermore, in the context of the recently rendered first instance judgement in the *Gotovina et al.* case, allow me briefly to make a few additional remarks.

First, in addition to Croatia's ongoing firm determination to continue its full cooperation with the ICTY and the Prosecutor's Office, which I have already mentioned, let me also stress Croatia's strongest determination to fully respect any verdict rendered by the ICTY.

Secondly, Croatia particularly noticed the fact that the *Gotovina et al.* judgement explicitly stated that "Croatia's choice to resort to Operation Storm was not on trial" and, consequently, that homeland war is not criminalized.

Thirdly, since the Council represents a political body par excellence, we do not have any intention of discussing legal aspects of the *Gotovina et al.* judgement. That discussion will continue in The Hague between the relevant parties. At the same time, I have to underline that we respectfully but strongly disagree with some of its historical and political qualifications. Yet, let me also stress here that both President Josipović and Prime Minister Kosor clearly stated, immediately after the first instance sentence was rendered, that Croatia is a democratic State based on the rule of law, where judicial institutions are respected and their verdicts adhered to.

Full cooperation with the ICTY and respect for international justice is a lasting commitment, not only in the context of our Euro-Atlantic integration process but as a determination of Croatia's core values and its present and future role in the international community as a United Nations, NATO and, soon, European Union member. In that sense, let me reassure you, Mr. President, that Croatia will ensure that the parameters for legitimate military action, derived from the ICTY judgement and which present new jurisprudence in international law, are fully considered and respected while making decisions at the national level, as well as in bodies of collective defence and security.

Fourthly, Croatia strongly supports the Tribunal's main purpose and primary functions, which are, according to relevant Security Council resolutions, the establishment of lasting peace and reconciliation. The constructive and objective reactions of all relevant political actors in Croatia after the judgement in the *Gotovina et al.* case was rendered clearly testify to our

determination in that regard. Our sympathy lies with the victims, regardless of their nationality or religion. Our allegiance is with the truth and the consequent punishment of all war crimes, regardless of the nationality or religion of their perpetrators. Our hope is that peace based on justice is possible and will be advanced by our joint endeavours.

The President (*spoke in French*): I now give the floor to Judge Robinson to respond to the comments made during the statements by members, if he so wishes.

Judge Robinson: I do not wish to respond, but I was remiss in not congratulating Judge Khan on her election to the presidency. I would like to take the opportunity to do that now.

The President (*spoke in French*): I now give the floor to Judge Khan to respond to the comments made by representatives in their statements, if she so wishes.

Judge Khan: I do not have any comments to make on the observations made by representatives.

The President (*spoke in French*): I now give the floor to Prosecutor Brammertz to respond to comments made by representatives in their statements, if he so wishes.

Mr. Brammertz (*spoke in French*): I do not have any comments to make.

The President (*spoke in French*): I now give the floor to Prosecutor Jallow to respond to the comments made by representatives in their statements, if he so wishes.

Mr. Jallow: I thank the members of the Council for their supportive comments and suggestions.

I have some brief remarks to make in relation to an issue raised by the Ambassador of the Republic of Rwanda, which relates to the two cases that have been referred to France by the International Criminal Tribunal for Rwanda (ICTR).

Those are the only cases that the ICTR has so far succeeded in referring to a national jurisdiction. I simply wish to assure him that there are very effective arrangements in place for monitoring the progress of those two cases in France. My Office has retained the services of two private law firms in France, whose responsibility it is to undertake that task on our behalf. They send regular reports to my Office, which we in

turn transmit to the Trial or the Referral Chamber for their attention. The cases, after some preliminary work, have been carried out by the French authorities following the referral and are both now before an investigating judge. The monitoring arrangements will continue to provide us with the information as to their status.

Allow me, if I may, to add, as the representative of France indicated, that I was on mission in France two months ago. One of the issues we discussed was related to those two trials. I have received assurances from various French authorities of their continued commitment to managing those cases and ensuring that

they are dealt with expeditiously within the legal system. So we do have effective arrangements in place for monitoring and reporting on the status of the trials.

The President (*spoke in French*): There are no further speakers inscribed on my list.

I take this opportunity, on behalf of the Council, to thank Judge Robinson, Judge Rachid Khan, Prosecutor Brammertz and Prosecutor Jallow for their briefings to the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.20 p.m.



Security Council

Sixty-sixth year

Provisional

6546th meeting

Monday, 6 June 2011, 3 p.m.
New York

<i>President:</i>	Mr. Messone	(Gabon)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Tian Lin
	Colombia	Mr. Osorio
	France	Mr. Briens
	Germany	Mr. Berger
	India	Mr. Vinay Kumar
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland . . .	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

Security Council mission

Briefing by the Security Council mission to Africa (19 to 26 May 2011)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-36348 (E)

Please recycle 

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council mission

Briefing by Security Council mission to Africa (19 to 26 May 2011)

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Council will hear briefings by the five Permanent Representatives who led the Security Council mission to Africa: first, His Excellency Mr. Gérard Araud, Permanent Representative of France and leader of the Addis Ababa segment; secondly, Her Excellency Ms. Susan Rice, Permanent Representative of the United States, and His Excellency Mr. Vitaly Churkin, Permanent Representative of the Russian Federation, who together led the Khartoum and Juba segment; and thirdly, His Excellency Sir Mark Lyall Grant, Permanent Representative of the United Kingdom, and His Excellency Mr. Baso Sangqu, Permanent Representative of South Africa, who together led the Nairobi segment of the mission.

I would like here to welcome the return of the members of the Council and the Secretariat who took part in the Council mission to Africa.

Mr. Briens (France) (*spoke in French*): I will speak on behalf of Ambassador Araud, who could not be with us this afternoon.

As in past years, the Security Council in May conducted a weeklong mission to Africa. From 19 to 26 May, the Security Council visited Addis Ababa; Khartoum and Juba, in the Sudan; and, finally, Nairobi, where it considered the issue of Somalia, since it was not able to go to Mogadishu. The Security Council was able to meet with the political authorities of the countries visited and with representatives of the United Nations on the ground, in particular those responsible for Council-mandated peacekeeping operations. The mission also made it possible for the Security Council to meet representatives of civil society.

France coordinated the first segment of this mission, the visit to Addis Ababa. I will therefore

speak about that segment, and then my United States, Russian, British and South African colleagues, who led the other segments, will take the floor.

As is well known, the Security Council now meets with the Peace and Security Council of the African Union every year. Last year the meeting was held in New York; under the rule of alternation, it was held this year at the headquarters of the African Union, in Addis Ababa, on 21 May. The Peace and Security Council was chaired by the Permanent Representative of South Africa to the African Union, Mr. Pepani. The African Union Commissioner for Peace and Security, Mr. Ramtane Lamamra, also took part in the meeting. During the meeting, which lasted more than four hours, the Security Council was able to discuss with the Permanent Representatives members of the Peace and Security Council of the African Union how the two institutions can work together and to assess their cooperation in terms of conflict prevention and settlement and of peacekeeping and peacebuilding.

The members of the Security Council and of the Peace and Security Council of the African Union reasserted the primary responsibility of the Security Council for the maintenance of international peace and security and the mandate of the Peace and Security Council of the African Union with regard to the promotion of peace and security in Africa. They also reasserted the provisions of Chapter VIII of the Charter of the United Nations with regard to regional arrangements in the settlement of conflicts.

The meeting enabled us to consider in detail four issues that are currently on the agendas of both institutions: Libya, Côte d'Ivoire, the Sudan and Somalia. Each was the subject of frank and substantive discussions, with the objective being to establish a common vision that would allow the United Nations and the African Union to implement their actions more effectively. Following the meeting, an outcome statement was adopted that welcomes in particular the enhancement of cooperation between the Security Council and the Peace and Security Council of the African Union. It refers also to the concerns of and the priorities expressed by both Councils with regard to Libya, Côte d'Ivoire, the Sudan and Somalia.

In addition to meeting with the Peace and Security Council of the African Union, the Security Council met with the Prime Minister of Ethiopia, Mr. Meles Zenawi. The discussions, which lasted for

more than an hour, allowed us to consider mainly the situation in the Sudan and in Somalia, as well as the issues of Eritrea and Libya.

Before the Permanent Representatives of the United States and the Russian Federation — who will deal with the Sudan segment — take the floor, I should like to close by thanking the team at the United Nations Office to the African Union in Addis Ababa, which was established on 1 July 2010, for the support and the welcome they provided us during the Security Council's visit, and in particular the Head of the Office, Mr. Zachary Muburi-Muita.

Ms. Rice (United States of America): On behalf of Ambassador Churkin, with whom I co-led the trip to the Sudan, I would like to make the following report.

Unfortunately, the situation in Abyei rapidly deteriorated as we travelled to the region. Thus, our mission had three overriding purposes: first, to urge a halt to the fighting and to restore calm to Abyei; secondly, to press the North and the South to quickly resolve all outstanding issues necessary to pave the way for two peaceful and successful States beginning on 9 July; and thirdly, to better understand what an independent South Sudan will need from the United Nations and the international community.

The crisis in Abyei affected both our itinerary and our agenda, and we were unable to visit the Abyei area as planned. But being on the ground in the Sudan enabled us to press this critical issue with both parties and to respond to the emerging crisis in real time. That included issuing a strong press statement while we were in Khartoum that called for the immediate withdrawal of all forces from Abyei and its environs.

Our visit to the Sudan included travel not only to Khartoum but also to Wau, Juba and Malau. We began in Khartoum, where we met with several Government officials. Foreign Minister Karti, unfortunately, was ill and did not join our meeting as planned. However, we met with the Minister of State for the Presidency, Amin Hassan Omer; Ambassador Daffa-Alla Elhag Ali Osman, our colleague here at the United Nations; and a number of other Sudanese interlocutors.

We reiterated the Council's commitment to supporting two viable and successful States as of 9 July. We emphasized the need for a peaceful resolution to the Abyei conflict. We deplored the 19 May attack on a convoy of the United Nations

Mission in the Sudan (UNMIS), and pointed out that the escalatory response from the Sudanese Armed Forces was unacceptable and constituted a gross violation of the Comprehensive Peace Agreement (CPA). We expressed the Council's deep concern over the level of violence in Darfur and the Sudanese Government's continued restrictions of access for humanitarian organizations and the African Union-United Nations Hybrid Operation in Darfur (UNAMID).

We asked the Government of the Sudan to fulfil its commitment to processing all UNAMID visas in a timely manner — an urgent issue, given that UNAMID had more than 800 visa requests pending at the time of our meeting. The Government said that it would follow through on its visa commitments; it also reaffirmed its support for the Doha process and committed to lifting the state of emergency in Darfur after the adoption of a final document from the Doha negotiations.

The Council also stressed the need for the Government to protect the rights of southerners living in the North. The Government assured us that the basic rights of southerners in the North would be protected.

The Sudanese cancelled a previously scheduled meeting with Vice-President Taha at the last minute. As Ambassador Churkin explained at the press conference later that day, this was an important opportunity missed by the Government to discuss Abyei and other pressing issues with the Council.

Separately, we received informative briefings on UNMIS and UNAMID that added to our understanding of their work and the challenges that they face in the field day to day. Joint Special Representative Gambari and Force Commander Nyamvumba detailed the increasingly robust posture of UNAMID. We welcomed the news that the Mission has increased its patrols to an average of 160 per day, up from approximately 90 per day in late 2010. The humanitarian briefing, however, was dispiriting. We learned that only 250 or so international staff remain in Darfur, which, as members of the Council know, is an area roughly the size of France. That number used to be around 1,000.

In Khartoum, we also met with former South African President Thabo Mbeki, the Chair of the African Union High-Level Implementation Panel. He helpfully outlined his efforts to facilitate negotiations on outstanding CPA issues and the key post-

referendum arrangements. President Mbeki emphasized that we are at the point at which these arrangements must be resolved by parties at a senior political level. The Council agreed and expressed its strong support for his ongoing work.

We visited the Mayo Camp for internally displaced persons on the outskirts of Khartoum, where we heard the concerns of southerners about a lack of protection, health care, education and job prospects. Many have lived in the camp for decades, but all expressed a keen desire to return to the South. These hopes remain largely unrealized for that group in the face of poverty, insufficient transportation and security concerns. Some returnees have reportedly been attacked as they journeyed back to the South.

We also met with Misseriya and Ngok Dinka representatives during our time in the Sudan. We felt that it was critical to hear first hand from both groups. In each meeting, we emphasized the Council's commitment to implementing the CPA and to finding a peaceful solution to the crisis in Abyei.

After Khartoum, the Council visited Wau in Western Bahr el-Ghazal, South Sudan. We were moved by the deep commitment of the staff at the Mary Help Centre. Our tour of its health clinic, school and related facilities underscored the lack of infrastructure throughout the South. We were fortunate to have the opportunity to speak with students and representatives of civil society organizations. They described their excitement about independence, as well as the vast challenges still to be overcome. Several asked for the international community's help in demarcating the North-South border and in creating a buffer zone between northern and southern forces. We heard repeatedly of the economic hardship caused by the North's recent closure of several border crossings. Above all, we heard the expression of a strong yearning for greater educational opportunities and better health care.

From Wau, we went to Juba, where the Council had a productive meeting with President Salva Kiir, Vice-President Riek Mashar and the Government of South Sudan's ministers. We reiterated our view that the fates and well-being of the peoples of the North and South are intertwined, and urged both parties to resume and intensify their dialogue to resolve the status of Abyei and all remaining issues. We reiterated our grave concern regarding events in Abyei, including

the Council's condemnation of the attack undertaken by the Sudan People's Liberation Army on the United Nations convoy on 19 May. President Kiir agreed that stability in the South depends on a stable neighbour in the North. He provided a broad overview of the remaining CPA and post-referendum issues and, with respect to Abyei, expressed regret to the United Nations for the attack on its convoy.

The Council travelled by helicopter to Malau, a small village in Jonglei state, to view a demonstration by a newly formed livestock protection unit. The tour of Malau underscored the magnitude of the challenges facing the South, particularly with respect to internal security. While the livestock protection unit is a worthy initiative, the economic, social and political effects of cattle-rustling and associated child abductions remain daunting.

We later visited Jebel Kujur, a way station in Juba operated by the Office of the United Nations High Commissioner for Refugees, where vulnerable returnees are provided with food, water and medical services while the International Organization for Migration arranges for their onward transport. We spoke with recent returnees as they waited to load their possessions onto buses to continue their journey to other parts of the South. Nearly 341,000 southerners living in the North returned to Southern Sudan and the three areas between 30 October 2010 and 3 May 2011. We made a point again of including civil society groups in as much of our programme as possible. In particular, we had a working lunch in Juba with a wide range of representatives of non-governmental organizations. Their work to provide services is inspiring.

The Council also conducted an important initial discussion regarding the successor mission to UNMIS, which we are continuing in New York. Last week's consultations were another important step in this ongoing assessment.

Throughout our time in the Sudan, we emphasized the Council's commitment to the full implementation of the CPA and the need for the parties to resolve outstanding issues before the South gains its independence on 9 July. The crisis in Abyei only reaffirms the urgency of meeting that deadline. We urged the leaders with whom we met to act quickly to reach the political compromises necessary to facilitating two peaceful and successful States

emerging next month, when we will welcome the Republic of South Sudan to the international community.

Mr. Churkin (Russian Federation) (*spoke in Russian*): In the spirit of our close cooperation during the mission itself, Ambassador Rice has just briefed the Council in both our names.

Sir Mark Lyall Grant (United Kingdom): The leg of the Security Council visit in Nairobi was jointly chaired by Ambassador Sangqu and myself. We also worked very cooperatively, but we both have statements to make on this occasion. I will brief colleagues on the meetings that the Council held with the Transitional Federal Institutions, the representatives of Galmudug, Puntland and Somaliland, and members of Somali civil society. Ambassador Sangqu will then brief on the meetings that the Council had with African Union and Intergovernmental Authority on Development colleagues and with the Kenyan Government.

I would first like to thank Special Representative of the Secretary-General Mahiga and the staff of the United Nations Political Office for Somalia and the United Nations Support Office for the African Union Mission in Somalia, as well as the members of the United Nations country team, for welcoming the Council and supporting our visit. We are very appreciative of the work that they are doing under difficult circumstances.

On 25 May, the Security Council held discussions with the Transitional Federal President, the Prime Minister and the Speaker of Parliament on the political transition in Somalia. The Security Council mission urged the Transitional Federal Government and the Transitional Federal Parliament to engage fully, constructively and without further delay in the consultative process facilitated by Special Representative of the Secretary-General Mahiga, including the forthcoming meeting to be held in Mogadishu; to focus on implementing reforms to build their legitimacy, representativeness and credibility; and to deliver tangible results on the completion of core transitional tasks.

The Security Council mission underlined that it was vital that the progress made by the African Union Mission in Somalia (AMISOM) and Somali national security forces in consolidating security and stability in Mogadishu were reinforced by progress on the political

transition. President Ahmed and Speaker Aden expressed their views on the political transition, in particular on the timing of elections — on which issue they continued to differ. The Security Council mission expressed grave concern about the impact that the discord between the Transitional Federal Institutions was having on the political process and the security situation. It also underlined, in very clear and very strong terms, that it expected the Government and Parliament to reach agreement on the issue of elections rapidly, and no later than the forthcoming consultative meeting in Mogadishu.

Later that day, the Security Council met the Presidents of Galmudug and Puntland and representatives of Somaliland to discuss issues of regional security. All highlighted the progress that their Governments had made on security and development, but stressed the threats that their people faced from piracy and terrorism. They outlined the measures that they had taken in response to those threats, including the passing of an anti-piracy law in Puntland and the conviction of 90 pirates in Somaliland. All called for greater international assistance for their efforts in that regard. The Security Council mission recognized the need for the international community to support further stabilization, peacebuilding and socio-economic reconstruction in Somalia, in particular in areas of relative stability, and stressed the need for a comprehensive response to tackle piracy and its underlying causes.

In its final meeting on 25 May, the Security Council discussed a range of issues, including the political transition and the security and humanitarian situation in Somalia, with representatives of Somali civil society. In setting out their priorities, the civil society representatives highlighted the need for a new constitution to be developed through an inclusive process, for AMISOM to receive greater international support, for humanitarian assistance to be delivered more effectively and for Somalia to receive more long-term development assistance. Several speakers stressed, however, that security was key, as the Somali private sector could develop quickly in conditions of greater security and political stability.

Ambassador Sangqu will now brief on the further meetings that the Security Council held in Nairobi.

Mr. Sangqu (South Africa): As Ambassador Sir Mark Lyall Grant indicated, I co-led the Security

Council mission to Kenya. I wish to focus my briefing on the meetings held with the Government of Kenya and with the African Union (AU), the Intergovernmental Authority on Development (IGAD), the African Union Mission in Somalia (AMISOM), the United Nations Political Office for Somalia (UNPOS) and the United Nations Support Office for the African Union Mission in Somalia (UNSOA).

The Security Council met with the Vice-President and Prime Minister of Kenya. The Vice-President, the Honourable Stephen Kalonzo Musyoka, described the situation in Somalia as the biggest threat to international peace and security and placed the security challenge of Somalia both in its international and regional context and in its domestic context for Kenya. Kenya shares a long border with Somalia and hosts the Dadaab refugee camp, which is the largest such camp in the world. The country also plays an important role in the prosecution and imprisonment of pirates who operate off the coast of Somalia. The Vice-President expressed the view that the international community had failed Somalia. In that regard, he expressed concern that AMISOM was not receiving the requisite support from either the international community or the Security Council. The Vice-President echoed the AU's request for additional support and called on the Security Council to strengthen AMISOM's troop levels to 20,000 and for the imposition of no-fly zones and a naval blockade. Kenya also requested greater assistance in its fight against piracy and in dealing with the influx of refugees from Somalia.

With regard to political developments in Somalia, the Vice-President expressed concern that the Transitional Federal Government had not taken advantage of the increased security, and stated that the Somali political leadership should stop the personal infighting and place the interests of Somalia and Somali people first. The concerns expressed by the Vice-President with regard to terrorism, piracy and support for AMISOM were also echoed by the Prime Minister, the Honourable Mr. Raila Odinga.

With regard to political developments in Somalia, the Prime Minister stated that the environment for conducting elections before August did not exist. He proposed that clear timelines be developed for finalizing the constitution-writing process. Both the Vice-President and the Prime Minister cautioned against fatigue by the international community when it comes to Somalia. They appealed for effective

multilateral support for ensuring a lasting solution to the Somali conflict.

In the joint meeting with the United Nations country team heads, UNPOS, UNSOA and His Excellency Mr. Jerry Rawlings, the African Union High Representative, Ambassador Boubacar Diarra, Special Representative of the Chairperson of the African Union, and AMISOM Force Commander Major General Nathan Mugisha, the members of the Security Council had the opportunity to discuss end-of-transition and post-transition arrangements. Ambassador Mahiga, Special Representative of the Secretary-General, updated the meeting on the latest political developments and stressed the need for the Security Council and the international community to speak with one voice in reinforcing the Council's decision, as agreed in its presidential statement of 11 May (S/PRST/2011/10*). In that statement, the Council emphasized the importance for the Transitional Federal Institutions (TFIs) to reach agreement as soon as possible on the holding of elections, and that no extension could be considered without an agreement among the parties on the date for the elections.

During the discussion on the activities of AMISOM to maintain peace and security, the AMISOM Force Commander updated the Council on its recent military successes. The Force Commander and the AU Special Representative also outlined some of the main challenges besetting AMISOM. At the political level, the continued political uncertainty represents a major threat to security. At the operational level, the effectiveness of AMISOM is severely curtailed by, among other things, the lack of equipment and logistical support, the lack of air and maritime support, the lack of protective vehicles and the lack of predictable financing. In addition, the lack of agreement and predeployment training have also delayed the deployment of AMISOM troops to the authorized level of 12,000.

President Rawlings underlined the need for coordination among IGAD, the AU and the Security Council, as well as for the territorial integrity of Somalia to be respected. In that connection, he expressed the AU's support for the need for benchmarks and timeframes to be linked to any extension for the TFIs, as well as the creation of the monitoring mechanism for the implementation of such benchmarks.

The joint meeting with our IGAD and AU partners and the Government of Kenya was most useful. We left the meeting with a sense of convergence among the international role players regarding the post-transition phase in Somalia.

During our interactions in Nairobi, we experienced an overwhelming expression of support and confidence across the board in the sterling leadership of Special Representative of the Secretary-General Mahiga and his team in facilitating the Somalia consultative conference to be held in Mogadishu, as well as his collaborative efforts with IGAD to facilitate agreement among the Somali leadership on the post-transition phase.

In conclusion, these meetings underscore the need for a comprehensive strategy for dealing with the security, humanitarian and development challenges in Somalia. I would like to express my gratitude to Special Representative Mahiga and his team for their tireless efforts to assist the people of Somalia in securing a peaceful future. My gratitude also goes to

the African Union and AMISOM for their continued commitment and sacrifice in securing peace and stability in Somalia. Finally, I wish to add my voice to that of Ambassador Lyall Grant in thanking the United Nations Secretariat, at the levels of both Headquarters and at UNPOS and UNSOA, for facilitating and arranging the programme in Nairobi. My thanks also go to all those who assisted us during our visit.

The President (*spoke in French*): On behalf of the members of the Security Council, I should like to thank all the ambassadors and the members of the Security Council and the Secretariat who participated in the mission for the way in which they discharged their important responsibilities on the Council's behalf.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. I now invite members to meet for brief consultations.

The meeting rose at 3.40 p.m.



Security Council

Sixty-sixth year

Provisional

6547th meeting

Tuesday, 7 June 2011, 10.30 a.m.
New York

<i>President:</i>	Mr. Bongo Ondimba	(Gabon)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	France	Mr. Juppé
	Germany	Mr. Berger
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Jonathan
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Motlanthe
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

Maintenance of international peace and security

Impact of HIV/AIDS epidemic on international peace and security

Letter dated 6 June 2011 from the Permanent Representative of Gabon to the United Nations addressed to the Secretary-General (S/2011/340)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-36541 (E)



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The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

Maintenance of international peace and security

Impact of HIV/AIDS epidemic on international peace and security

Letter dated 6 June 2011 from the Permanent Representative of Gabon to the United Nations addressed to the Secretary-General (S/2011/340)

The President (*spoke in French*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Michel Sidibé, Executive Director of the Joint United Nations Programme on HIV/AIDS, to participate in this meeting.

It is so decided.

I wish to welcome warmly the Secretary-General, the President of Nigeria, the Deputy President of South Africa and the other distinguished guests who are participating in today's meeting. Their presence is an indication of the importance of the issue to be discussed.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2011/341, which contains the text of a draft resolution submitted by Bosnia and Herzegovina, France, Gabon, Germany, Nigeria, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I also draw the attention of Council members to document S/2011/340, which contains a letter dated 6 June 2011 from the Permanent Representative of Gabon addressed to the Secretary-General, transmitting a concept paper on the item under consideration.

The HIV/AIDS pandemic, which affects all persons without discrimination, has deprived several countries of the human resources crucial to their development. The instability and armed conflicts that are rife in Africa in particular have brought to light the impact of HIV/AIDS on international security.

It will be recalled that on 17 July 2000, the Security Council, at the initiative of the United States of America, adopted resolution 1308 (2000). Gabon,

which had just ended a term on the Council, had supported its preparation. Resolution 1308 (2000) underscored the threat posed by the disease to the staff of peacekeeping and peacebuilding missions. Conflicts expose the issue of sexual violence that some combatants use as a weapon of war and that is a compounding factor.

The debate that brings us together today is intended to consider the progress made since the adoption of resolution 1308 (2000). We must thus go further by adopting measures to protect civilian populations from such violence. The draft resolution submitted by my delegation and co-sponsored by Bosnia and Herzegovina, France, Germany, Nigeria, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America is part of that approach, and I thank the Council and those delegations for their support.

I will now make a statement in my national capacity.

As we know, starting tomorrow, the General Assembly will hold a high-level meeting commemorating the tenth anniversary of the adoption of the Declaration of Commitment on HIV/AIDS (General Assembly resolution S-26/2). Also 10 years ago, the Security Council took an historic step in adopting resolution 1308 (2000), on the impact of HIV/AIDS on international peace and security.

It seemed to us timely for the Council to reconsider the issue in the light of the developing dynamic of the current crises and conflicts and the peacebuilding process. Here, we should commend the commitment of the United States, which enabled the Council to adopt resolution 1308 (2000).

Since then, thanks to the efforts made individually or jointly by the troop-contributing countries, the Department of Peacekeeping Operations and the Joint United Nations Programme on HIV/AIDS, progress has been made in training the civilian and military staff of United Nations missions prior to their deployment to peacekeeping and peacebuilding missions.

That concern is now fully taken into account in those missions. That positive development is reflected in the implementation of prevention programmes; joint actions between mission staff and the security forces and local communities in the countries involved; a

greater awareness among mission personnel of their individual and collective criminal accountability; and the establishment of codes of good conduct for mission staff and personnel on the ground.

Today's meeting offers us the opportunity to take stock of future challenges as the HIV/AIDS pandemic remains an obstacle to the development of our countries and a threat to collective security. New factors continue to influence the dynamics of crises, conflicts and peacebuilding processes. That is particularly true in sub-Saharan Africa.

Our first concern arises from the borderline and regional nature of conflicts. In almost all cases, crises unleash population movements and thereby increase the risk of spreading HIV/AIDS among displaced persons and refugees, who frequently have no access to health services during their migrations. Such risks are particularly apparent in the post-conflict phase.

For some years now, Gabon has hosted numerous refugees from conflict countries and can testify to the effects of such migratory movements on the stability and security of the host country. Indeed, sexual violence is frequently used as a weapon of war, with disastrous consequences. Given the established link between sexual violence and HIV/AIDS in conflict and post-conflict situations, civil populations — particularly women and girls — are the first to be exposed.

I should like here to make certain recommendations. In the light of the compounding factors that I have enumerated, I invite the Council to continue to consider the issue of the impact of HIV/AIDS on international peace and security.

With respect to sexual violence, I stress the importance of continuing to implement resolutions 1820 (2008), 1888 (2009) and 1960 (2010), given that the need to counter such violence, particularly towards women and children, is an important aspect of the processes involved in resolving conflicts and building peace. Such action allows their full involvement in these processes. To that end, it is desirable to create synergy between policies to combat HIV/AIDS and strategies to prevent sexual violence in conflict and post-conflict situations. I take this opportunity to invite the international financial institutions, in cooperation with States, to mobilize further resources to build the capacities of national health systems in order to ensure

that persons who are infected with or affected by HIV/AIDS enjoy adequate care and assistance.

On the ground, we must raise awareness of the parties to conflict regarding conduct towards civilian populations in armed conflicts that may exacerbate the spread of HIV/AIDS. It is also important to ensure the operationality of the HIV/AIDS prevention and treatment component in security sector reform activities and in disarmament, demobilization and reintegration mechanisms at the post-conflict stage. Finally, we must also strengthen programmes to combat HIV/AIDS in peacekeeping and peacebuilding missions, and continue to ensure the effectiveness of zero tolerance measures.

We hope that the draft resolution to be adopted shortly will reflect the Council's commitment to making a complementary and decisive contribution to global efforts to combat HIV/AIDS. The human security of present and future generations will depend on our collective ability permanently to remove the threat inherent in the pandemic.

I shall now resume my functions as President of the Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland and United States of America.

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1983 (2011).

I now invite the Secretary-General, His Excellency Mr. Ban Ki-moon, to take the floor.

The Secretary-General (*spoke in French*): I thank President Ali Bongo Ondimba for having convened this important meeting. I greatly appreciate Gabon's leadership in submitting the vital resolution 1983 (2011), which has just been adopted. Now is the time for bold action.

More than 10 years ago, then United States Ambassador Richard Holbrooke pushed for the first discussion of HIV and AIDS in the Council Chamber. Ambassador Holbrooke was the consummate diplomat, but he was determined to raise the issue of HIV and AIDS even when it was undiplomatic. I commend the initiative of President Ali Bongo Ondimba. I am glad, that for the second time, the Security Council is discussing this important issue in parallel with the General Assembly.

We have come a long way since health issues were first discussed in the Council. I have continued with great regularity to bring AIDS to the Council's attention, particularly in my reports on sexual and gender-based violence and in those that highlight the important contributions of women to peace and security.

Whenever AIDS is part of the equation, the United Nations is working to be part of the solution. That began in 2000, when resolution 1308 (2000) was adopted. Today, the Joint United Nations Programme on HIV/AIDS, the Department of Peacekeeping Operations and a number of Governments are organizing training events for our Blue Helmets and troops in different countries so that they can make a difference.

(spoke in English)

Commitment starts at the top. I am raising this issue directly with world leaders, and my senior aides are equally passionate about our AIDS response. In Timor-Leste, my former Special Representative stepped up to test for HIV. The Deputy Special Representative quickly followed. So did the United Nations Police Commissioner, the Deputy Police Commissioner and many others. They were getting information on their health, setting an example and countering fear, stigma and discrimination.

In Lebanon, our Force Commander organized an event on prevention on World AIDS Day. Then and there, a contingent commander decided to be tested. Many of his troops were encouraged by his leadership. They also volunteered. For our personnel, predeployment HIV training is standard. We have trained over 1,500 peacekeepers as peer counsellors. In just five years, the number of Blue Helmets seeking voluntary counselling and testing increased from fewer than 2,000 to more than 14,000.

But we are not just helping our peacekeepers — they work so that people recovering from war do not also have to recover from disease. It is all part of the broader mission that the Council entrusts to our troops: to stop gender and sexual-based violence, to enhance the role of women and to protect children. It is also part of a broader international campaign, the Global Strategy for Women's and Children's Health. In conflict zones, refugee camps and anywhere people fear for their lives, women, young people and children are more vulnerable to contracting HIV.

Before resolution 1308 (2000) was adopted, uniformed personnel were viewed in terms of the risk they might pose to civilians. We now understand that United Nations troops and police are part of prevention, treatment and care. For example, we are working in Côte d'Ivoire, which has the highest prevalence of HIV in West Africa. The United Nations Operation in Côte d'Ivoire and United Nations co-sponsors are training troops and police on HIV, human rights and gender equality. They are also providing technical support on HIV in disarmament, demobilization and reintegration (DDR) programmes. By making HIV prevention part of our DDR activities, we can protect civilians from HIV. We can reduce discrimination. And we can help former soldiers living with HIV get the care and treatment they deserve.

We have to talk about sensitive issues when it comes to HIV and AIDS. We must be frank about where we are falling short. The Council has made major strides in addressing sexual violence in conflict. But rape is still a weapon of choice. This is an atrocious human rights violation. It is a war crime. And it is a public health threat. Women and girls are extremely vulnerable as victims but, more than that, they are agents of progress and change. I urge all members to link efforts to combat HIV and AIDS with our campaigns against sexual violence and for the rights of women. That means addressing the dangerous interaction between AIDS, the international drug trade, sex trafficking and the abuse of women. This problem is not getting the attention it deserves.

We also need action after the ink dries on agreements and the guns fall silent. We need to help shattered societies prevent the spread of HIV. And we must provide treatment to everyone who needs it. We can get the job done with our regional partners as long as we involve civil society organizations — the

activists, researchers and health workers who have brought us so far.

Today we are marking 30 years of our struggle against AIDS. But let us focus on a different number: zero. Let us get to no new infections, no discrimination and no AIDS-related deaths. That is our goal.

The President (*spoke in French*): I thank the Secretary-General for his statement.

I now give the floor to Mr. Michel Sidibé.

Mr. Sidibé (*spoke in French*): It is an honour and privilege to be here today. I would like to thank the Security Council for inviting me. I would especially like to thank the President of the Republic of Gabon and to commend him for his leadership in dramatically scaling up the response to AIDS in his own country. On behalf of the 30 million people who have died of AIDS, I also wish to thank him for being here today. His presence among us illustrates his personal commitment to this cause and his ongoing efforts on behalf of peace, security and stability throughout the world.

I would also like to thank my friend Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, for once again drawing the attention of the Security Council to the critical relationship between AIDS and international peace and security.

The global response to AIDS is at a crossroads. The Security Council adopted resolution 1308 (2000) more than 10 years ago, and the General Assembly adopted the Declaration of Commitment on HIV/AIDS in 2001. We have made significant progress since then, providing HIV prevention, treatment, care and support services to peacekeepers and other uniformed personnel. But I remain deeply concerned by the ways AIDS still intersects with conflict. AIDS affects not only peacekeepers and others in uniform; it also has an impact on the populations with whom they interact. That is why resolution 1983 (2011), which has just been adopted, is so important to us.

Resolution 1308 (2000) was a watershed moment in the response to AIDS. We are indebted to the late Richard Holbrooke for backing that resolution so passionately. What he said then still holds true today, namely, that it was not the end of the process, but just a cornerstone for the future. Member States were right to recognize AIDS as a potential threat to peace and security. I want to thank the Secretary-General for

repeatedly calling attention to AIDS in his reports to the Security Council.

Progress against HIV infection in people in uniform has been positive, but it remains uneven and insufficient. The risk that HIV poses to peace and security is far more nuanced than we thought in 2000. The nature of conflict and the epidemic itself have evolved. We are convinced that the fresh political commitments stemming from resolution 1983 (2011) will enable the United Nations to effectively contribute to the efforts of Member States to address the impact of AIDS on peace and security. In so doing, Member States will themselves be encouraged to strengthen their response to AIDS in national strategic plans and to put in place appropriate strategies, means and resources.

Tragically, we have seen an increase in the use of sexual violence as a weapon of war. This new resolution is moving in the right direction in calling for HIV prevention efforts among uniformed services to be aligned with efforts to prevent sexual violence in conflict.

The disproportionate burden of HIV on women is a serious obstacle to their full participation in efforts to prevent and resolve conflicts and in peacebuilding. It is my hope that the new resolution will motivate all parties concerned to better empower women and strengthen the capacities of national health systems and civil society networks in order to provide sustainable assistance to women infected or affected by HIV in conflict and post-conflict settings.

The response to AIDS has also changed dramatically since the adoption of resolution 1308 (2000). Today we have the capacity to provide treatment on a broad scale and to target prevention to populations at highest risk of HIV infection. We have seen that post-conflict and transition periods increase the risk of HIV transmission and of sexual violence. We know how to address both of those challenges. We have made progress and must now scale up those efforts. The Department of Peacekeeping Operations, in close collaboration with UNAIDS, wishes to work with Member States on disarmament, demobilization and reintegration and on security sector reform. That will allow countries to benefit from peacekeepers who are stronger, healthy and fit for even the most difficult peacekeeping missions.

(spoke in English)

Since the adoption of resolution 1308 (2000), we have come to understand that peacekeepers and the millions of people in uniform can play a leading role in HIV issues, as they secure peace around the world. Their extensive contacts with populations in conflict, post-conflict and other settings position them as agents of positive change, particularly with respect to preventing violence against women and girls in conflict.

I hope this new resolution will reinvigorate global and regional partnerships that are working to prevent conflict, ensure security and build peace. These partnerships can ensure that the United Nations contributes to building government and civil society capacities of Member States. There are symbiotic actions in the General Assembly to ensure that this happens. We are acutely aware that global, national and personal insecurity will undermine our efforts to achieve universal access to HIV/AIDS prevention, treatment, care and support. This new resolution is key to realizing exactly what the Secretary-General just mentioned: zero new HIV infections, zero discrimination and zero AIDS-related deaths.

The President *(spoke in French)*: I thank Mr. Sidibé for his briefing. I now give the floor to the members of the Security Council.

(spoke in English)

I would now like to invite His Excellency Mr. Goodluck Ebele Jonathan, President of the Federal Republic of Nigeria, to take the floor.

President Jonathan: I would like to express Nigeria's appreciation to you personally, Mr. President, and to the Government of Gabon for this valuable and timely initiative. The theme for today's debate is well conceived and should afford the Security Council the opportunity to examine, within its mandate, the inextricable linkage between international peace, security and development. I would also like to thank the Secretary-General, Mr. Ban Ki-moon, for his insightful briefing and commitment to fight the HIV/AIDS epidemic. Let me also thank Mr. Michel Sidibé for his comprehensive statement that we have just heard.

Our deliberation here today is a declaration of solidarity with the high-level meeting on HIV and AIDS that will begin here in New York tomorrow. It is

also a demonstration of the Security Council's commitment to an issue that is pivotal to the development and security of Africa in particular and of the world since the adoption of resolution 1308 (2000) by the Council in the year 2000.

As the largest contributor to peacekeeping in Africa and the fourth largest in the world, Nigeria has a major stake not only in ensuring that our armed forces are protected against HIV and AIDS but that they are also given adequate treatment. We remain fully committed to ensuring that HIV and AIDS prevention, treatment and care are integrated into the health services of the country's armed forces.

In our subregion we have taken stringent steps towards that objective. For example, the Economic Community of West African States subregional Transport Corridor project — which encompasses Benin, Togo, Ghana and Côte d'Ivoire — is designed to halt and reverse the spread of HIV and AIDS among various populations, including military and paramilitary. We are committed to sustaining the momentum and indeed ensuring that we increase our level of engagement with the security services in these countries to reduce the impact of HIV and AIDS in the region.

We note with concern the consequences of gender-based violence related to HIV and AIDS, especially in conflict situations, as expounded by the Secretary-General and Mr. Sidibé. Nigeria joins the international community in ensuring that women and girls in conflict situations are adequately protected. A significant challenge, however, is the absence of formal modes of operations in the many unconventional military compositions, such as militias. That makes it difficult to mainstream HIV programmes into those operations and to evaluate progress. For that reason, among others, we welcome the inclusion of an awareness programme in the mandates of all United Nations peacekeeping operations.

Thirty years since the beginning of the AIDS pandemic, the time is ripe for a final solution. I reiterate Nigeria's unequivocal support for a global response to this scourge. As the Secretary-General recognized in his statement, the prevention imperative is upon us. The human, social and economic costs of inaction are too great to contemplate. As a consequence, it is incumbent upon the Security Council to set clear, decisive goals so that our efforts to

maintain peace can add to the armoury of weapons against HIV/AIDS. I pledge my nation's full support in this endeavour.

The President: I thank President Goodluck Jonathan for his statement.

I would now like to invite His Excellency Mr. Kgalema Motlanthe, Deputy President of South Africa, to take the floor.

Mr. Motlanthe: At the outset, I must extend my appreciation to His Excellency President Ali Bongo Ondimba of Gabon for convening this meeting. I would also like to express our appreciation to the Secretary-General of the United Nations, Mr. Ban Ki-moon, as well as to Mr. Michel Sidibé, Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS).

Through your leadership, Mr. President, you have placed before us today an issue of critical global concern — the impact of HIV and AIDS on the maintenance of international peace and security. Tomorrow, the collective United Nations membership in the General Assembly will speak as one voice in assessing progress made and chart a global response to HIV and AIDS in general. Be assured, Mr. President, of my delegation's support and commitment to playing our role in dealing with the critical matters before us.

Although we are faced with such a daunting challenge, it is also fair to acknowledge the significant progress that the global community has made in addressing the HIV and AIDS epidemic. A substantial level of resources has been contributed to the research community on various fronts. Notable advances have been made by the pharmaceutical industry in the research and development of drugs, resulting in millions of lives being saved or prolonged. Moreover, Governments have committed themselves to addressing the epidemic in earnest.

However, we must face the fact that all these efforts have yet to turn the tide of this epidemic. Three decades on, the rate of new infections still outpaces treatment intervention, thereby compelling us to do more. In this connection, the shortage of financial resources remains a challenge for many developing countries, especially in sub-Saharan Africa. We would therefore like to encourage our donor partners to continue to fulfil their financial commitments made in various international forums.

We also share the view that no efforts should be spared in arresting the massive loss of lives affecting all sectors of society. It is imperative for the United Nations system to continue to pursue this objective in earnest. In this regard, the Security Council could also play a role in an integrated manner within the ambit of its mandate of maintaining international peace and security.

We applaud all innovative and collaborative efforts, such as those employed by the Department of Peacekeeping Operations and UNAIDS in addressing the epidemic in conflict areas.

We are mindful of the Charter obligations of the Security Council. In this context, my delegation views vulnerability as a key concern in the relationship between HIV and AIDS, and peace and security. The infrastructure, health services and social structures that traditionally provide support for communities are invariably destroyed in areas of conflict, instability and violence. These conditions increase exposure to ill-health and, consequently, the risk of acquisition and transmission of HIV. These conditions disrupt access to basic amenities and haemorrhage fragile public and health systems. In general, women and children bear the brunt of these vulnerabilities, and even more so in the context of conflict and displacement.

The United Nations would be well placed to assist countries affected by conflict through peacekeeping and peacebuilding efforts. In the short term, qualitative United Nations peacekeeping interventions should focus on achieving immediate gains that would mitigate the harmful effects of the epidemic. Decisive action to reduce and prevent conflict-related sexual violence could be a critical intervention in an integrated United Nations strategy. In the medium to long term, such interventions could take on a much more focused approach. An integrated global response combined with resources and expertise can help countries that require assistance to develop strategies for preventing HIV infections, especially among women and children.

Assistance for accessing universal health care by improving the health sector, strengthening health systems and devising roll-out strategies for anti-retroviral therapies is an area to which United Nations-led global action can add value in reconstructing post-conflict societies.

Joint outreach activities to conflict-affected communities by peacekeeping missions, enhanced political cooperation between the leadership of the host country and local United Nations leadership, and closer coordination with local law enforcement and health agencies could contribute substantially towards critical prevention measures at the local level to contain the spread of HIV and AIDS.

Peacebuilding efforts need to incorporate strategies that address the context-specific needs of affected communities, which may include new and prolonged conflicts, post-conflict situations, refugee camps with people in transit, stable environments, the needs of armed personnel, humanitarian workers and, most important, women and children. These interventions require a vision and commitment that are supported by long-term investment by countries emerging from conflict, with the support of the international community. These must be based on the principles we all embrace: respect for human rights, the right to dignity, safety and respect.

Through your leadership, Mr. President, the Council has added its voice to renew global efforts in combating HIV and AIDS. The resolution that you placed before us builds on previous efforts by the Council. Such efforts highlight the specific contribution that the Security Council can make in containing the spread of HIV and AIDS within this defined mandate. These mutually supportive and complementary efforts by the United Nations system are a further reaffirmation of our collective responsibility to combat HIV and AIDS.

The President: I thank the Deputy President of South Africa for his statement.

(spoke in French)

I now give the floor to His Excellency Mr. Alain Juppé, Minister for Foreign Affairs of France.

Mr. Juppé (France) *(spoke in French)*: Just before the high-level meeting of the General Assembly on HIV and AIDS opens tomorrow, I would like to thank President Bongo Ondimba for the initiative to hold a debate on this topic, which is too often overlooked or neglected.

In 30 years, AIDS has killed some 30 million people and orphaned more than 16 million children. The Second World War is the only conflict to have claimed more victims and caused greater suffering. The

international community is fully mobilized to fight this scourge. Eleven years ago, in resolution 1308 (2000), the Security Council recognized the pandemic as a threat to international peace and security for the first time. Since then, every time we have addressed the subject of AIDS, we have stressed the terrible consequences of the illness, which are not only social and human, but also economic. We have shed light on the obstacles it poses to countries attempting to recover from conflict, especially because it primarily affects women and girls, who play a fundamental role in rebuilding any society.

Given this threat, several international instruments have been established, in particular in the framework of the United Nations system. These include the Joint United Nations Programme on HIV and AIDS (UNAIDS), whose Executive Director, Michel Sidibé, I welcome here today; the Global Fund to Fight AIDS, Tuberculosis and Malaria; and the International Drug Purchase Facility (UNITAID), which is based on a French initiative and receives innovative financing. I would like to commend the work carried out by these different bodies on a daily basis.

This joint commitment has not been in vain. The numbers of deaths and new infections have been cut by 20 per cent in 10 years. Moreover, the increase in funding for programmes to fight HIV and AIDS and for the development of generic medications have allowed 6 million people in low- and middle-income countries to begin treatment. Finally, mother-to-child transmission prevention activities have opened the way for a generation to be born free of HIV. These positive results should encourage us to redouble our efforts.

Thirty-four million people are living with the disease today; seven million are infected every day. Every year, with almost 300,000 babies being born with the virus and with two people infected for every one that is placed under treatment, the epidemic continues to be one length ahead of us. It is still the most disadvantaged countries that pay the heaviest price — I am thinking in particular of the African continent, which represents 36 per cent of the people who are infected and 72 per cent of deaths associated with AIDS.

We must therefore do more. That is the meaning of the resolution we have adopted today (resolution 1983 (2011)). It is the meaning of the campaign “Be

Born without HIV" that was launched in Paris in May 2010 by Global Fund Ambassador Mrs. Carla Bruni Sarkozy. It is in this spirit that France, the second largest global contributor, increased by 20 per cent its contributions to the Global Fund for 2011-2013, which is a commitment of almost €1 billion. Over the same period, we will devote almost €300 million to UNITAID. That is also the reason that, during the last summit in Deauville, the Group of Eight reiterated its commitment to support the Global Fund and reaffirmed its determination to improve maternal health to fight against mother-to-child virus transmission.

In this context, the Security Council has a particular responsibility — first of all, to act on the factors of the spread of the disease, in particular, sex abuse. Since the adoption of resolution 1308 (2000), the Security Council has been fighting against all forms of sexual violence against women and children, which involves a zero-tolerance policy, and has made every effort so that impeccable discipline is maintained within the ranks of the Blue Helmets and the United Nations civilian staff in peacekeeping missions.

There is also the responsibility to take into account the challenges of HIV/AIDS during post-conflict and reconstruction phases, including with respect to the management of the displacement of populations.

Finally, there is the responsibility to encourage and assist in the development of national strategies to fight AIDS on the basis of the values and commitments propagated by the United Nations — respect for human rights, the decriminalization of homosexuality, attention to vulnerable populations and fighting against stigmatization and discrimination against persons living with HIV.

In spite of all of our efforts, the AIDS pandemic is a growing human and social cost, particularly for the poorest and weakest countries. Therefore, today more than ever, AIDS is a threat to international peace and security. Let us spare no efforts. Like the Secretary-General, France shares the view of a world without new infections, without discrimination and without deaths associated with AIDS. That is an enormous challenge, but it is a challenge in the service of peace. It is a challenge for all of us.

The President (*spoke in French*): I thank the Minister for Foreign Affairs of France for his statement.

Ms. Rice (United States of America): We are grateful for your personal leadership, Mr. President, in the fight against HIV/AIDS. I also thank Secretary-General Ban Ki-moon for his laudable leadership and Executive Director Sidibé of the Joint United Nations Programme on HIV/AIDS and his team for coordinating the massive global response.

I want to acknowledge that we have with us, as part of the United States delegation, President Obama's Global AIDS Coordinator, Ambassador Eric Goosby, who is directing the United States global response to the epidemic.

Just over a decade ago, thanks to the visionary leadership of Vice-President Al Gore and of my predecessor, the late Richard Holbrooke, the Security Council took a monumental step. For the first time, it addressed the threat that HIV/AIDS poses to international peace and security. With this move, the Council squarely joined the world's fight against HIV/AIDS and put the epidemic on the global security agenda.

In the twenty-first century, in our interconnected world, threats to peace and security stem not only from traditional armed conflicts. They also derive from more diffuse dangers that know no borders, including the unchecked spread of lethal disease.

We are now entering the fourth decade of our collective struggle against this global pandemic. But the Security Council's pledge to lessen the security implications of HIV/AIDS must not lose any of its urgency.

This scourge has spared no region or nation on Earth, including my own. AIDS-related illnesses have claimed more than 25 million lives, far more than the death toll of any conflict during these past 30 years. In all, more than 60 million people have been infected, and 16 million children have been orphaned.

Two decades of often heroic international efforts to extend the lives of those living with HIV/AIDS have significantly alleviated the health effects of the disease, but most people living with HIV still lack access to treatment. For every person who starts treatment, two more become infected.

Even beyond this unfathomable human toll, there are very real security consequences of HIV/AIDS. Consider first the toll on human security. It strains communities, fractures families, reduces economic

productivity, drives people into poverty and pressures health sectors that are often already struggling to cope.

But HIV/AIDS also has specific and complex links to more traditional security threats. In the past 30 years, the patterns of HIV/AIDS transmission and impact have evolved, and so has our knowledge about the disease's impact on security. We know that when conflicts end, societies are more vulnerable to HIV, a particularly cruel burden on vulnerable populations and countries struggling to rebuild after conflicts. Such States often find it especially difficult to ensure continuity of HIV prevention and AIDS treatment precisely when institutions are weak, capacities are low and displaced populations are returning to their homes.

The toll may be especially pronounced at local levels where the reach of public services is most limited. So we need to be vigilant about the toll that HIV/AIDS takes on capacity at all levels of Government and redouble our efforts to provide support.

Ten years ago we feared that AIDS incidence in military forces would be higher than in the civilian population and that peacekeepers would become a vector of transmission of AIDS. One important reason that such transmission has not occurred is the widespread adoption of effective HIV policies by many national uniformed services. For example, the military in Senegal has conducted a programme of prevention, care and treatment that has been embraced throughout the ranks, from senior leaders to the junior-most troops. The United States is proud to have partnered with more than 70 militaries worldwide to develop similar programmes, which have allowed nearly 3 million troops and family members to be tested and counselled, and more than 80,000 family members to participate in programmes to prevent mother-to-child transmission of HIV/AIDS.

We also welcome the Secretary-General's commitment to ensure that United Nations mission commanders lead by example on HIV/AIDS awareness and prevention among peacekeeping personnel, including by promoting mandatory induction training, peer education, voluntary and confidential counselling and testing and providing male and female condoms and post-exposure prophylaxis kits. We urge that these efforts be robust and consistent across United Nations missions and mission staff.

As the Secretary-General has rightly noted, "[t]he HIV response faces a moment of truth" (A/65/797, para. 4). On the one hand, we have witnessed substantial progress. Global HIV/AIDS incidence has been declining and treatment is expanding. In sub-Saharan Africa, new anti-retroviral treatments have saved hundreds of thousands of lives. We may also stand at the cusp of a breakthrough, with the discovery of a cutting-edge anti-retroviral treatment that could help treat the disease in those living with HIV/AIDS just as it serves to prevent them from transmitting the virus. We can trace this progress to a surge in global health financing and initiatives, a topic we will address tomorrow in the General Assembly. The vast majority of countries also explicitly acknowledge human rights in their national AIDS strategies, and 92 per cent of countries report that they have programmes to reduce HIV-related stigma and discrimination.

Those are impressive achievements but far too many people, especially the most vulnerable, still die unnecessarily from a preventable disease. We still lack resources globally to meet the worldwide demand for prevention, treatment, care and support. The United States remains a global leader in this area, through our direct support for anti-retroviral treatments, our increased support for mother-child health, our capacity-building partnerships with other Member States and our historic multi-year pledge of \$4 billion to the Global Fund to Fight AIDS, Tuberculosis and Malaria. We are proud to have made the founding pledge to the Global Fund and we remain today its largest single donor.

In creating the President's Emergency Plan for AIDS Relief (PEPFAR) in 2003, the United States took another transformative step. PEPFAR is not just the largest component of the United States Global Health Initiative; it is the largest international response to a single disease that any country has ever undertaken. In conjunction with other efforts, it has transformed the lives of millions of people living with HIV in the developing world. But we cannot do it alone, and we are not doing it alone. Other donor countries must step up and do more. Affected countries must mobilize their own resources to fight this scourge and ensure treatment for their people.

In this regard, let me congratulate particularly the Government of Gabon for the good news that it will increase funding for HIV/AIDS programming by

150 per cent. That generosity will help save lives, and ultimately strengthen international peace and security.

We dare not be complacent. Our commitment to fighting HIV is not just a moral imperative; it is also a life-saving investment that bolsters security and underpins prosperity. Today let us all honour the commitments the Council made 11 years ago, not just in our adoption today of resolution 1983 (2011) but by redoubling our efforts to fight the global HIV/AIDS pandemic. It is a challenge that can only be met by us all together.

Mr. Moraes Cabral (Portugal): I thank and congratulate you, Mr. President, for convening this debate. I also thank the Secretary-General and the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS) for their participation in our discussion and for their comprehensive briefings.

The impact of the HIV/AIDS epidemic on international peace and security is an issue to which Portugal attaches the utmost importance. Like others, we believe that it is the responsibility of the Council to increasingly address the new challenges that undermine world peace, security and stability — be it the traffic in drugs, people and guns; certain consequences of climate change, from food security to loss of territory and forced migration; development issues, as discussed under the presidency of Brazil; or the subject we are addressing today: enduring large scale epidemics as a challenge to international security.

In this context, I wish also to mention tuberculosis, which is so often associated with AIDS and which kills hundreds of thousands every year. I take this occasion to extend a warm welcome to the Secretary-General's Special Envoy to Stop Tuberculosis, President Jorge Sampaio, who has joined us today. Allow me to commend UNAIDS and the Department of Peacekeeping Operations (DPKO) for their progress report entitled "On the Front Line", not only for the clear picture it gives us of the progress made in the implementation of resolution 1308 (2000) but also for the recommendations it includes, which provide us with a road map towards a more comprehensive response to HIV and AIDS.

Over the past three decades, HIV and AIDS have taken more than 25 million lives and infected 60 million people around the world. Not only has it been a major threat to life and human health, but it has

also seriously impacted the economic and social fabric of many countries in different regions, putting at risk their stability. Resolution 1308 (2000) was indeed a milestone in the international response to the epidemic, as it acknowledged its uniquely devastating impact on all sectors and levels of society, and its threat, if unchecked, to the stability and security of many countries. Furthermore, it centred on the potential damaging impact of HIV/AIDS on the health of peacekeeping personnel, including support personnel, and called for concrete measures and international cooperation with the objective of better preparing them for their participation in peacekeeping operations.

Unfortunately, we are still confronted today with an increasing number of cases of sexual violence in the context of conflict, at a time when conflicts are themselves growing in number and intensity. When combined with HIV/AIDS, such situations become particularly explosive ones. Indeed, when those two elements are brought together, they have the potential to generate devastating consequences for whole regions and States, striking the most vital elements of society: their youth, and in particular women and children, especially when rape is used as a weapon of war and intimidation.

As we know, there is a high prevalence of HIV among women who have been victims of sexual violence. We cannot disregard this fact and its lasting consequences when we address peacebuilding strategies in post-conflict societies. Furthermore, conflict normally fosters the displacement of civilians, especially women and girls, increasing their exposure to HIV. In this context, we believe there is a need to implement effective integrated programmes that address sexual violence, HIV prevention and AIDS treatment in conflict and post-conflict settings.

Portugal commends the collaboration between DPKO and UNAIDS in addressing HIV and AIDS awareness among peacekeeping personnel, and believes that the United Nations should take the lead in setting the highest possible medical standards in protecting both United Nations personnel and the local population from this epidemic. In this regard, we welcome the measures undertaken by DPKO aimed at improving the awareness programmes for peacekeepers and peacebuilders, and, in particular, having HIV and AIDS advisers and focal points in United Nations missions. We believe that DPKO and UNAIDS efforts will have to be further complemented by ensuring that

the medical guidelines for operations are fully implemented.

It is important that countries increasingly harmonize predeployment and in-country awareness programmes, as it is important to raise awareness of peacekeeping and peacebuilding personnel of the medical risks in the mission area, as well as their capacity to deal with them. Likewise, the adoption of the comprehensive strategy to eliminate sexual abuse in the framework of United Nations peacekeeping and peacebuilding operations was a major step in the right direction. I do not doubt that an effective response to HIV and AIDS through the prevention of sexual violence in conflict and post-conflict situations will greatly contribute to increasing the capacity of United Nations missions in their tasks of protecting civilians and furthering human rights.

(spoke in French)

World leaders will gather here in New York over the next three days to evaluate the progress made since the historic General Assembly special session on HIV/AIDS held in 2001. In spite of all the positive developments that we have seen in the global reduction of the incidence of HIV and increased access to treatment, we must recognize that the progress is still rather fragile. It is up to the international community to reflect on our experience and on the lessons that we can and must learn, and to strengthen our efforts to ensure that in 2015 universal access to prevention and treatment are guaranteed. That will require a strong political commitment, which is the way for us to maintain the international response to HIV as a priority and the only way for us to fulfil the Secretary-General's vision of a world free from new HIV infections, free from discrimination and free from AIDS deaths.

Sir Mark Lyall Grant (United Kingdom): I congratulate you, Mr. President, and the Gabonese delegation for bringing this issue to the Security Council today. I also welcome the presence of the President of Nigeria, the Deputy President of South Africa and the Foreign Minister of France. I also want to thank the Secretary-General and Michel Sidibé for their informative briefings.

We warmly welcome the unanimous adoption of resolution 1983 (2011). This resolution and today's debate send a strong message that the HIV epidemic still has a serious impact on international peace and security. Taking action on HIV and AIDS remains a

key priority for the United Kingdom. We look forward to agreeing on a strong statement of commitment at this week's high-level meeting of the General Assembly.

The United Kingdom welcomes the concerted action taken across the United Nations system to combat the HIV epidemic. We are committed to the vision of a world with zero new HIV infections, zero discrimination and zero AIDS-related deaths. In support of our collective efforts to achieve targets set out in the Millennium Development Goals, the United Kingdom warmly welcomes the leadership and guidance shown by the Joint United Nations Programme on HIV/AIDS, including in its Outcome Framework for 2009 to 2011.

In the past, the Security Council has focused on minimizing the chances of transmission from United Nations peacekeepers to local populations. We have called for greater focus on implementing HIV and AIDS awareness programmes within national militaries. We have seen how Member States providing troops to United Nations peacekeeping operations have made concerted efforts in the past decade to provide sufficient prevention, treatment, care and support to their personnel. We should be proud of significant improvements.

But we should also remain concerned at the high number of fatalities and repatriations due to HIV and AIDS-related illnesses among United Nations peacekeepers deployed overseas. Today, United Nations peacekeepers are more likely to die from illness than from activities undertaken to fulfil their mandate. We owe it to those men and women, who risk their lives in the pursuit of international peace, to understand why that should be the case, and then to do something about it.

Tackling HIV and AIDS among peacekeeping personnel is essential. But both peacekeepers and the communities they are protecting are susceptible to HIV and AIDS. As our understanding of the HIV epidemic has developed, so we have together seen considerable improvements in the methods we use to tackle it. We used to fear that during the fog of war itself, the unchecked spread of HIV and AIDS could have a debilitating effect on peace and security. We now understand that the risk of infection can be even greater in communities emerging from violent conflict.

United Nations peacekeeping operations, with their military, police and civilian elements, are well placed to engage with vulnerable communities that have been affected by conflict in order to ensure that the epidemic does not gain a foothold among them. We believe that we should see United Nations peacekeepers as positive agents for change in our efforts to combat the spread of HIV and AIDS in post-conflict societies.

We encourage peacekeeping operations to incorporate HIV awareness in the execution of their mandates. Such activities may involve awareness training for demobilized combatants or HIV education programmes pursued in tandem with initiatives to combat sexual and gender-based violence. The United Kingdom welcomes the outreach to local communities already seen in a number of United Nations peacekeeping operations. Peacekeeping operations can effect real change on the ground.

In recent months, we have discussed in this Chamber ways to combat the disturbing incidence of sexual violence used as a weapon against vulnerable communities. We have heard how sexual exploitation and abuse have the ability to prey on those parts of the community that are most vital to longer-term peace and stability. The risk of HIV infection and the burden that the disease can place on the very fabric of local communities are additional horrors from which those communities require protection.

We have discussed at length whether the spread of HIV and AIDS constitutes a threat to international peace and security. The United Kingdom believes that we have an obligation to such communities to consider, from time to time, whether the Security Council has a complementary contribution to make in our overall efforts to combat the spread of HIV and AIDS. It is for that reason that we thank you, Mr. President, for bringing this important issue to the attention of the Council today.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to you, Mr. President, for having taken the initiative to hold today's very timely meeting of the Security Council, on the eve of the high-level meeting of the General Assembly, where Member States will adopt a comprehensive political declaration on the key areas for a global response to the challenges of HIV/AIDS.

Surmounting that complex threat requires comprehensive and coordinated work by the entire United Nations system. Of particular importance are coherent actions and appropriate distribution of tasks among the General Assembly, the Security Council and the Economic and Social Council, in accordance with their prerogatives under the Charter. It is important that the Security Council's actions in that area are incorporated into system-wide efforts. The Council should continue to focus on considering the issue of fighting HIV/AIDS in the context of conflict and post-conflict situations, including during United Nations peacekeeping operations. That is where we see the real added value of its contribution to the collective work of the United Nations.

HIV/AIDS is not a source of conflicts, but conflicts create conditions that contribute to the spread of the epidemic and also complicate efforts to curb it. Affected countries require appropriate and targeted support from the United Nations. In that connection, we welcome the coordination and cooperation between the Secretariat's Department of Peacekeeping Operations and the Joint United Nations Programme on HIV/AIDS. On the whole, we agree with their approaches and assessments of priority areas for work.

Since the adoption of the milestone resolution 1308 (2000) of the Security Council, some progress has been made. At the same time, the ongoing burden of HIV/AIDS in countries where United Nations peacekeeping operations are under way requires continuous efforts to react to the challenges of the epidemic.

Of particular importance is possible assistance from peacekeepers in efforts by specialized international bodies to prevent HIV/AIDS among the civilian population, to overcome social alienation and discrimination due to HIV/AIDS and to create and build relevant national capacities, in cooperation with national and local governmental bodies and the population. We should look at ways to ensure the continuity of measures begun in the framework of peacekeeping operations during longer-term peacebuilding processes.

We favour additional efforts to reduce the risk of HIV/AIDS for military and civilian staff of United Nations peacekeeping operations. The idea of introducing the posts of HIV/AIDS special advisers and coordinators in peacekeeping operations deserves

to be studied. Also significant is working with troop- and police-contributing countries to provide appropriate preparation of personnel before the deployment of missions and to improve relevant national prevention policies and programmes targeting uniformed personnel.

We must be aware that women and children continue to be one of the most vulnerable categories in the context of HIV, particularly in conflict and post-conflict situations. They are frequently either combatants or victims of sexual exploitation by parties to conflict. The epidemic also negatively affects the potential of women to participate in conflict prevention and settlement. A whole range of Security Council resolutions on women, peace and security have laid a solid foundation for work in that area.

The United Nations Secretariat should take appropriate steps to develop approaches and implement measures for United Nations peacekeeping forces to respond to HIV/AIDS. Moreover, the leadership of United Nations missions should carry out practical actions at the country level, in coordination with United Nations funds, programmes and specialized agencies, including the World Health Organization, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund.

In conclusion, I would like to reaffirm that the task of overcoming the global HIV/AIDS epidemic is a priority for Russia. Our country actively participates in international efforts in that area, including as a donor to the Global Fund to Fight AIDS, Tuberculosis and Malaria. We have contributed \$317 million to the Fund. In our view, the special role of the United Nations is to mobilize, coordinate and implement a common response to HIV/AIDS. Once again, we emphasize the importance of coordinated actions by all parts of the Organization in that area.

Mr. Hardeep Singh Puri (India): We are deeply honoured, Mr. President, by your presiding over the Council at this debate. Please allow me to join other delegations in welcoming you to New York. We would also like express our appreciation for your delegation's efforts in organizing this debate and during the negotiation of resolution 1983 (2011). My thanks are also due to the Secretary-General, His Excellency Mr. Ban Ki-moon, and to the Executive Director of the

Joint United Nations Programme on HIV/AIDS (UNAIDS), Mr. Michel Sidibé, for their statements.

HIV/AIDS is a scourge of our times. It has caused untold misery affecting the lives of millions of people across the globe, though some parts of the world have been more adversely affected by HIV and AIDS than others. It is a matter of some satisfaction that since HIV became known, the efforts of the international community and national Governments have begun to show some positive progress in our ability to tackle HIV and AIDS.

The need of the hour is to accelerate those efforts and ensure that the international community is intense in its support of national efforts. The lack of a firm commitment to provide financial resources so that developing countries may bolster their prevention and treatment systems, including through capacity-building, and the high cost of medicines — exacerbated by trade and intellectual property right barriers for generics — require the international community's serious and immediate attention.

For our part, in India we have striven with all determination to control and tackle the spread of HIV and AIDS, with a massive national AIDS control programme at the centre of our efforts. The targeted intervention programme is buttressed with more broad-based awareness and educational programmes. In addition, the involvement of communities and civil society at all stages of policy has also provided a necessary impetus in our success.

The latest statistics show an overall reduction in adult HIV prevalence and new infections in India. Adult HIV prevalence declined from 0.41 per cent in 2000 to 0.31 per cent in 2009. Moreover, the estimated number of new HIV infections fell by more than 50 per cent over the past decade, from 270,000 in 2000 to 120,000 in 2009. However, our disease burden in absolute terms is high, at 2.27 million, and it is estimated that nearly 172,000 people have died of AIDS and related illnesses in India.

India's contribution to the global fight against HIV and AIDS has gone well beyond our national boundaries. Dubbed "the pharmacy of the world", our pharmaceutical companies have been in the forefront in ensuring a supply of and access to safe, effective, affordable and good-quality generic antiretroviral treatments for HIV and AIDS to other developing countries in dire need of such medicines.

The immense challenge posed by the spread of HIV/AIDS has had across-the-board implications for societies on the economic, social, legal and moral fronts. It has weakened the ability of affected people and societies to pursue progress in improving their well-being.

With the highest prevalence rates and heaviest disease burdens being in societies that have nothing to do with conflict, HIV and AIDS have not created conditions of instability and insecurity, notwithstanding the apprehensions expressed in resolution 1308 (2000). We must, however, recognize the possibility that the epidemic may be fuelled in situations of armed conflict and in post-conflict situations, where there is also a lack of information and credible data on the magnitude of HIV and AIDS. It is critical that the United Nations response in the field in such situations is cognizant of this fact. United Nations mission leaders, be they civilian or military, should be sensitive to this important global public health challenge.

We welcome the incorporation of HIV-awareness activities into the mandated activities of peacekeepers and outreach projects for vulnerable communities. Uniformed peacekeeping personnel can also be effective agents of change in such missions. We also strongly support the introduction of HIV and AIDS preventive measures as part of the preparation and discipline of peacekeeping forces. Well-informed United Nations mission personnel in the field can make a significant difference to the success of such additional tasks assigned to them.

In that context, I would like to mention the abhorrent and intolerable practice of sexual violence in situations of armed conflict, which can lead to the spread of HIV and AIDS. We strongly support orienting United Nations operational and peacekeeping activities towards recognizing the plight of women and children in conflict areas and working proactively towards preventing violence against them.

The General Assembly is convening a high-level meeting on HIV and AIDS tomorrow, in the presence of a large number of heads of State and Government and ministers. We should not allow the vision of a world without HIV and AIDS to remain a dream. We are hopeful that the new declaration, which the Assembly will adopt on Friday, will demonstrate the strong commitment of the international community to

face this global challenge in a resolute and determined manner.

Mr. Li Baodong (China) (*spoke in Chinese*): I would like to thank Gabon for its initiative in organizing today's meeting, and to welcome President Bongo Ondimba in coming to preside over it. I also wish to thank Secretary-General Ban Ki-moon and the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS), Mr. Michel Sidibé, for their statements.

HIV/AIDS poses a serious threat to human life. In recent years, thanks to the joint efforts of the international community, great progress has been made in the prevention and treatment of HIV/AIDS. However, there are still more than 60 million people worldwide living with or infected with HIV/AIDS. The situation is especially serious in sub-Saharan Africa. In some countries in conflict or post-conflict situations, poverty, lack of medical facilities and massive population displacement are all factors likely to worsen the spread of HIV/AIDS, which in turn affects the economic development and social stability of the countries concerned.

I would like to make four points.

First, it is important to strengthen international cooperation and implement in earnest the relevant declarations and resolutions adopted by the General Assembly and the Security Council. In 2001 the General Assembly held a special session on HIV/AIDS and adopted a Declaration of Commitment (resolution S-26/2). Tomorrow, the Assembly will once again hold a high-level meeting on HIV/AIDS and will adopt a set of outcome documents. Since 2000, the discussion of HIV/AIDS in the Council has also raised the profile of this issue on the international agenda. Now the international community must translate commitments into concrete action and make greater efforts in the fight against HIV/AIDS.

Secondly, developed countries must honour their commitments effectively and provide the necessary financial and technical assistance to developing countries. HIV/AIDS medicines, treatment and care are costly, and developing countries face serious difficulties with their HIV/AIDS response in terms of financing and technology. The developed countries should therefore extend a helping hand

to them. International organizations and funds, including the United Nations, must strengthen their cooperation and assist developing countries, especially those in sub-Saharan Africa, in their fight against HIV/AIDS.

Thirdly, it is important to give special attention to the issue of AIDS in countries in conflict or post-conflict situations. The Security Council and the Peacebuilding Commission must give adequate attention to the needs of the countries on their agenda with regard to dealing with HIV/AIDS. In addition, the consequences of HIV/AIDS must be fully taken into account when drawing up plans for post-conflict reconstruction, security sector reform and the reintegration of former combatants.

Finally, it is important to strengthen the United Nations HIV/AIDS response within its peacekeeping operations. China welcomes the initiatives taken by the Department of Peacekeeping Operations, as called for by the Council in its resolutions, to enhance awareness about HIV/AIDS among peacekeepers and to amend the code of conduct for peacekeepers. We wish also to see continued cooperation and coordination between the Department of Peacekeeping Operations and UNAIDS.

Mrs. Viotti (Brazil) (*spoke in French*): Mr. President, Brazil welcomes your initiative of holding this important debate. We welcome also the presence of the President of Nigeria, the Deputy President of South Africa and the Minister for Foreign Affairs of France. I should like to thank the Secretary-General for his statement and to congratulate Mr. Michel Sidibé for the outstanding work he has done at the head of the Joint United Nations Programme on HIV/AIDS (UNAIDS).

(*spoke in English*)

The fight against the HIV/AIDS epidemic has been a priority for Brazil at both the domestic and international levels. We understand all too clearly the menace posed by the epidemic, and we have dedicated our political attention and resources to combating it and supporting those living with it.

Internally, our public health system has pioneering HIV/AIDS treatment policies that cover more than 600,000 people living with the virus, including through the provision of antiretroviral treatment free of charge. As a result, the incidence of

HIV in Brazil has stabilized and is now starting to decline.

Internationally, we have helped lead the charge in favour of universal access to affordable medicine. In the General Assembly, the Economic and Social Council, the World Health Organization, the World Trade Organization and other relevant bodies, we have been a firm voice in favour of a strong and coherent international response to the challenge of HIV/AIDS.

We have sought to share our experience in dealing with the virus with other developing countries through technical cooperation. The setting up of a factory for the production of antiretroviral drugs in Mozambique and the provision to several nations of training in dealing with HIV/AIDS are examples of this cooperation.

In this light, we appreciate Gabon's decision to bring the issue of the HIV/AIDS epidemic back into the debates of the Security Council.

The high-level meeting of the General Assembly, which begins tomorrow, will be a unique opportunity for the United Nations to make a strong political statement and step up the fight against the pandemic.

Brazil is of the view that today's debate is an opportunity for the Council to show support for the General Assembly meeting and to underline its readiness to do its part by addressing HIV/AIDS in the context of international peace and security. In dealing with this issue, the Council should focus on the impact of HIV/AIDS on aspects related to its agenda — conflict and post-conflict situations, peacekeeping operations, and sexual violence in situations of conflict.

Over the past decade, our understanding of the impact of HIV/AIDS on security and conflict has evolved considerably. Some of the direst predictions of the past, such as the collapse of entire States as a result of the epidemic, fortunately have not come to pass. Nevertheless, we have witnessed the many insidious ways in which HIV can magnify conflict and aggravate suffering.

As a cross-cutting issue with an important human rights dimension, HIV/AIDS is a complex problem that demands complex solutions. We must address how HIV/AIDS hampers the emergence of sustainable peace and how it affects peacebuilding. We must find creative ways for peacekeeping missions to support

local authorities in combating HIV/AIDS and to help in the field of prevention and in providing treatment, care and support to those living with the virus. The human rights components of peacekeeping missions can play an important role in that regard.

The issue of HIV/AIDS is also closely linked to the Council's consideration of the issue of women in conflict and post-conflict situations. In particular, the intersection between HIV/AIDS and conflict-related sexual violence is real and troubling. We deplore the grave harm caused to victims of sexual violence who find themselves infected with the virus as a result of such attacks, and we underline the need for the Council to act to help provide assistance to the victims.

We are pleased that the resolution we have adopted today touches on all of those issues and lays the basis for a more systematic analysis of the impact of the epidemic on situations of conflict.

In closing, I would like to underline that today's debate is part of a larger discussion about how social and economic factors influence the dynamics of conflict. This is an issue of particular interest to Brazil, which we took up during our presidency of the Council, in February. We remain convinced that achieving sustainable peace after conflict requires a broad approach that looks beyond security and takes into account the need for peoples to fully enjoy development and human rights. The discussion on HIV/AIDS and conflict moves us closer to that goal.

Mr. Barbačić (Bosnia and Herzegovina): I would like to commend you, Mr. President, for having convened this meeting. We welcome the presence of the President of Nigeria, the Deputy President of South Africa and the Minister for Foreign Affairs of France. Our appreciation also goes to Secretary-General Ban Ki-moon and to Mr. Michel Sidibé, Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS), for their insightful remarks.

Eleven years after the adoption by the Security Council of its landmark resolution 1308 (2000), and following the adoption by the General Assembly of the 2001 Declaration of Commitment on HIV/AIDS and the 2006 Political Declaration on HIV/AIDS, this debate offers us the opportunity to update the conceptual approach to this issue and take stock of the progress achieved.

Security conditions certainly influence the spread of HIV, which has a negative impact on all sectors and levels of society. It destabilizes the economy and contributes to the instability of societies. The HIV epidemic, exacerbated by conditions of violence and instability, increases the risk of exposure to the disease as a result of mass movements of people, widespread uncertainty, reduced access to medical care, and conflict-related sexual violence committed by members of armed groups. Populations fleeing conflict areas, displaced persons or refugees in camp settings are more likely to be vulnerable.

Peacekeeping operations and their personnel, as an indispensable tool of the United Nations, can play an important role in raising HIV/AIDS awareness and providing means of prevention in post-conflict settings, because peacekeepers do not operate in isolation from local communities.

We commend the efforts made by UNAIDS and the Department of Peacekeeping Operations with regard to the education and training of peacekeepers. There is a need to further strengthen the process of voluntary counselling and testing in United Nations-mandated missions. Training peacekeepers in gender awareness and child protection and the ability to recognize and respond to sexual violence and exploitation will not only influence their behaviour, but also bring added value to the positive role of peacekeepers as agents of change.

Member States should be encouraged to institutionalize the process of the voluntary and confidential testing of all uniformed personnel and staff sent to peacekeeping missions and to develop means of tracking national policies. Given the sensitivity of this issue, all members of the police and armed forces of Bosnia and Herzegovina participating in peacekeeping operations are tested for HIV/AIDS and attend pre-deployment training on HIV/AIDS awareness.

It must be emphasized that in some situations HIV can negatively affect and be an obstacle to gender empowerment and the full involvement of women in peacebuilding efforts. Greater protection of women and girls has been emphasized through the adoption of Security Council resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010).

We underline that UNAIDS, the United Nations Population Fund (UNFPA), the Department of

Peacekeeping Operations and other relevant actors should work closely with local communities, targeting vulnerable groups of persons. They can also be part of broader activities for disarmament, demobilization and reintegration and security sector reform in peacekeeping efforts. Addressing HIV/AIDS initiatives in peacekeeping must be a joint effort involving Member States, troop- and police-contributing countries, United Nations agencies and host countries. Fighting the spread of HIV requires combined commitment, cooperation, creativity and resources.

An effective response to HIV/AIDS by Member States requires clear and attainable national strategies and goals. For that reason, although in the group of countries with a low HIV/AIDS prevalence, Bosnia and Herzegovina has developed a strategy to prevent and combat HIV/AIDS in order to ensure our strategic response to the growing HIV/AIDS problem in the world. Post-conflict planning needs to include HIV programming and to address specific gaps in civilian capacities.

Complementarity and cooperation among all United Nations bodies and agencies are necessary. International actions, such as a response to conflict-related sexual violence or national efforts to address the problem of HIV and AIDS, must be better coordinated and intensified. The responsiveness of various actors within the United Nations system entails optimal solutions in order to achieve meaningful and concrete results. The Security Council, the General Assembly, the Economic and Social Council and other bodies, such as UNFPA, UNICEF or the World Health Organization, need to harmonize their activities in that complex undertaking.

Lastly, I would like to emphasize that HIV/AIDS, a disease that knows no boundaries, no gender or race, or even age difference, has become a global concern. On the other hand, world peace depends not only on securing borders, but also on securing people against threats and risks to their security. Through its work, the Council is undoubtedly committed to seeking solutions and to addressing the challenges that may arise. Resolution 1983 (2011) is a clear expression of our collective will and continuous efforts to enhance the responsibility for maintaining international peace and security.

Mr. Osorio (Colombia) (*spoke in Spanish*): I wish to join my colleagues, Mr. President, in

expressing appreciation for your presence here to preside over the Security Council and lead this debate on the most tragic pandemic that humankind has experienced. I would also like to convey my respectful greetings to the President of Nigeria, the Deputy President of South Africa and the Minister for Foreign Affairs of France, who are here with us today. I would like to thank the Secretary-General for his comprehensive and extensive report (A/65/797) and Mr. Michel Sidibé, as well as his team, for his commitment and dedication at the head of the Joint United Nations Programme on HIV/AIDS (UNAIDS).

The figures on the devastating consequences of AIDS are alarming: 30 million dead and 34 million living with HIV worldwide is a frightening thing. Today, however, it is encouraging to hear that prevention strategies are paying off and that, between 2001 and 2009, the global rate of new HIV infections fell by almost 25 per cent.

However, the reduction in international investments at a time when the AIDS response is having results is of concern. The shortfall in resources foreseen by UNAIDS for 2015 jeopardizes the achievement of Millennium Development Goal 6, in particular the target on reducing new infections.

We hope that the agreement to be reached in the framework of the high-level meeting that the General Assembly will begin tomorrow will reflect the urgency of securing the necessary resources to maintain that positive trend and to make the goal of achieving universal access to HIV prevention, treatment, care and support by 2015 a reality.

The opposite would be a setback to the commitments of the heads of State and Government reflected in the 2006 Political Declaration on HIV/AIDS to ensure the availability of additional funds for countries to have access to predictable and sustainable financial resources; to ensure that international funding is consistent with national plans and strategies on HIV and AIDS; and to increase investment in research and the development of safe and affordable drugs, products and new technologies.

My country is convinced that the fight against HIV and AIDS benefits from an approach based on respect for human rights and the safeguarding of human dignity. It is necessary to redouble efforts to eradicate the stigma and discrimination that affected populations still suffer, and that are an obstacle to

controlling the epidemic. It is also necessary to strengthen sexual education programmes that are based on respect for human rights and to encourage the exercise of sexual and reproductive rights with a clear gender perspective and respect for differences.

That approach should be accompanied by the adequate provision of quality and timely social services. Given that the poorest communities are more vulnerable, preventive strategies should be considered not only as HIV and AIDS projects, but primarily as development projects that have a lasting impact on the epidemic. However, national efforts are not enough without the technical and financial cooperation of the international community. The joint work of States and international cooperation agencies is essential to overcome the gaps in access that still exist, to address the most vulnerable populations, to implement comprehensive preventive strategies, to ensure adequate supplies for diagnosis and treatment and to strengthen epidemiological studies.

The Secretary-General notes a reduction in the number of countries that allow flexible rules in intellectual property rights standards and an increase in bilateral and regional agreements that can undermine the capacities of countries to develop access to essential medicines. In that regard, bearing in mind that the Agreement on Trade-Related Aspects of Intellectual Property Rights does not prevent Member States from taking measures to protect public health, the international community should reaffirm its commitment to interpreting and implementing the Agreement in such a way as to support the right to protect public health and, in particular, to promote access to medicines, including the production of generic anti-retrovirals and other essential drugs to combat AIDS-related infections.

Colombia recognizes that the magnitude of the HIV epidemic requires comprehensive and coordinated action by the international community and that the actions of the United Nations system to provide a comprehensive response to the epidemic should continue to be discussed and agreed within the General Assembly as the Organization's universal body. However, in the context of the responsibilities under the Charter, the Security Council can play an important role in the promotion and integration of prevention programmes, treatment, care and support during the implementation of the tasks assigned to peacekeeping operations and in ensuring the continuity of such

strategies during post-conflict transition and peacebuilding processes.

We appreciate the holding of this important debate as an opportunity to review the progress made on implementing previous mandates. We also endorse resolution 1983 (2011) as a strong sign of renewed political will to improve the global response to the HIV epidemic, to reduce vulnerability and to strengthen cooperation to achieve the goal of zero new infections, zero discrimination and zero AIDS-related deaths.

Mr. Berger (Germany): I would like to thank you, Mr. President, for convening and personally presiding over today's meeting. We appreciate Gabon's initiative to bring the issue of HIV/AIDS and international security to the attention of the Security Council again. Germany believes that resolution 1983 (2011), adopted today, is a significant step in tackling this important issue. I would particularly like to thank the Secretary-General and Mr. Sidibé, Executive Director of the Joint United Nations Programme on HIV/AIDS, for their insights.

Eleven years after the adoption of the pioneering resolution 1308 (2000), HIV/AIDS still constitutes a threat to international stability. It impacts on whole societies, and sometimes even regional and international security. The risk of exposure to the disease continues to be especially high in conflict and post-conflict situations, as well as during transition processes. On the one hand, the epidemic destroys social structures and networks, thus creating more misery in already shaken societies and increasing the potential for social unrest. As a consequence, HIV and AIDS can be considered as one of the causes of political weakness, State fragility and conflict aggravation.

On the other hand, conflict and tensions exacerbate the problem of HIV and AIDS within societies. International support, health education, access to prevention, adequate medication, hospitals and treatment for HIV patients prove to be difficult or nearly impossible in some conflict situations, thus causing more rapid spread of the disease. As a result, populations are not only directly endangered by conflict but also indirectly by the spread of diseases such as HIV.

UNAIDS estimates that the prevalence of HIV/AIDS is three to four times higher among armed forces and armed groups than among the general

population. As we know, women and children are often the main victims of conflict. Rape, which is all too often used as a weapon of war, also adds to the spread of HIV among civilians. HIV adds to the stigma and discrimination that victims of sexual violence oftentimes face.

In many conflicts, children are recruited and misused as soldiers, sexually exploited and abused. Under these conditions they are especially vulnerable to infection, and are therefore not only traumatized but often also stigmatized for life. Germany is convinced that children deserve special protection in armed conflict and, if needed, must be provided with special HIV-related health care. We have set up a number of projects to attend to former child soldiers and girls who have been sexually exploited by armed groups, including child mothers, to provide them with HIV counselling and care — for example in Eastern Congo.

In the post-conflict transitional phase, the transmission of HIV constitutes a particular danger. There is high population mobility after conflict, when displaced persons find refuge in camps, refugees return home and combatants are demobilized. Infected persons pose a high risk of contagion to their extended families and communities. Germany considers it essential that voluntary testing and counselling be provided, and anti-retroviral drugs supplied, in order to prevent the further spread of the disease.

During transition processes, when Government structures are not yet established or functional, it may be difficult to apply health programmes or to develop and implement policies against HIV. An effective international response in providing and ensuring HIV-related assistance may have to rely on the establishment of local health centres that provide direct assistance to the population. Germany is actively engaged in fighting HIV and AIDS at the local level and has established health centres in several African regions, including in the Democratic Republic of the Congo.

Resolution 1308 (2000) focused in particular on the potential of HIV/AIDS to impact the health of United Nations peacekeepers. Germany commends the Department of Peacekeeping Operations and UNAIDS for all the progress they have achieved in addressing HIV/AIDS among peacekeepers, and uniformed personnel more generally. However, it is clear that more needs to be done to reduce the number of

HIV/AIDS-related deaths among peacekeepers. There has to be a continued emphasis on strengthening national prevention, counselling and treatment programmes. We would also encourage Member States to develop more specific strategies for personnel participating in peacekeeping operations, including awareness-raising and voluntary confidential counselling and testing.

In conclusion, I would like once again to thank Gabon for having organized this debate, which has clearly underlined that threats to international peace and security are multifaceted. We believe that in this, as in other matters, the Security Council needs to adopt a broad strategy of conflict prevention that addresses the root causes of conflict in a comprehensive manner.

Mr. Salam (Lebanon): First, I wish to thank you, Mr. President, for organizing today's debate and for honouring us with your presence. Allow me also to welcome the President of Nigeria, the Deputy President of South Africa and the Minister for Foreign Affairs of France. We also thank Secretary-General Ban Ki-moon and Mr. Michel Sidibé, Executive Director of the Joint United Nations Programme on HIV/AIDS, for their comprehensive briefings.

Globally, a significant proportion of people living with HIV/AIDS — between 8 and 10 per cent — are affected by conflict, humanitarian crises and displacement. The relationship between the prevalence of HIV and conflict is a complex and dynamic one that varies from one conflict to another. A better understanding of that relationship is crucial for the development of effective and efficient strategies to reduce the risk of infection in conflict and post-conflict settings. Many factors in those settings may increase a population's vulnerability to HIV. Massive and uncontrollable migration, the collapse of health services, the decline of literacy and access to basic prevention information increase a population's vulnerability to HIV in times of war. Conflict-related sexual violence in particular accelerates HIV transmission, and often becomes an automatic death sentence for victims who too often have little or no access to health care.

Through resolution 1308 (2000), the Security Council expressed its commitment to addressing HIV as a devastating public health threat. Other milestone resolutions followed on the issues of sexual violence, the protection of civilians and other cross-cutting

matters, further enhancing our collective response to this epidemic in the context of conflicts. However, more than 10 years since the adoption of resolution 1308 (2000), many challenges persist. Allow me to make a few brief comments in that regard.

First, in order to more fully understand the complex factors that impact on HIV/AIDS in conflicts, more data needs to be compiled within the United Nations system, and programmatic experiences and best practices need to be shared to help guide policy decisions, advocacy and programming in conflict and post-conflict societies. Close coordination with local and national AIDS initiatives is essential in order to avoid the duplication of efforts.

Secondly, it is essential to mainstream HIV/AIDS prevention and care policies in conflict prevention, peacekeeping operations and humanitarian responses to conflicts. Peacekeepers can play a decisive role as advocates for awareness and prevention of HIV transmission, and need to be adequately equipped, trained and mandated to fulfil that goal. Their practices should be aligned with the ultimate goal of a universal standard for HIV and AIDS prevention, treatment and care.

Thirdly, the international community should maintain sustained attention in conflict societies with

high HIV prevalence, even beyond the life span of a peacekeeping mission. Post-conflict transitions in particular are a period of heightened vulnerability to HIV transmission. The international community should assist national Governments during this period to strengthen State capacity in the health sector and the delivery of basic service. Support should be provided to national Governments in formulating their policies to respond to HIV during post-conflict transitions, especially in the context of disarmament, demobilization and reintegration and security sector reform. It is also important during this period to foster community resilience, engage civil society and base the response to the epidemic on a framework of participation and inclusiveness.

Finally, the health and lives of ordinary individuals should be at the centre of our attention in our endeavours to respond to HIV/AIDS in conflicts. No efforts should be spared to preserve human lives and dignity.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.50 p.m.

**Security Council**

Sixty-sixth year

*Provisional***6548**th meeting

Wednesday, 8 June 2011, 10 a.m.

New York

<i>President:</i>	Mr. Messone	(Gabon)
<i>Members:</i>	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Dunlop
	China	Mr. Tian Lin
	Colombia	Mr. Osorio
	France	Mr. Bonne
	Germany	Mr. Berger
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland . . .	Sir Mark Lyall Grant
	United States of America	Mr. Dunn

Agenda

Reports of the Secretary-General on the Sudan

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President (*spoke in French*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Moreno-Ocampo.

Mr. Moreno-Ocampo: I thank the Security Council for this opportunity to present the work of the International Criminal Court regarding the situation in Darfur.

I would like to start by briefing the Council on the case against the rebel commanders who led more than 1,000 troops in carrying out a violent attack against the African Union Mission in Sudan base in Haskanita, killing 12 peacekeepers and injuring eight others. The attackers also destroyed the camp and looted vehicles, fuel and money. It was the most serious attack ever against peacekeepers in Darfur, affecting the lives of millions of civilians under their protection. This case shows the impartiality of the International Criminal Court and its commitment to protecting peacekeeping forces.

On 7 March, the Pre-Trial Chamber confirmed the charges for war crimes against Abdallah Banda and Saleh Jerbo. The commanders are not disputing their actual participation in the attack, and both have committed to surrendering voluntarily to the International Criminal Court to face trial and, if convicted by the Judges, to serve years in prison. They are claiming that President Al-Bashir also has to appear before the judges and respect the decisions of the Court and the Security Council.

On 16 May, the prosecution and the defence indicated in a joint filing to the Trial Chamber that certain facts have been agreed by both parties and that the defence will contest only three specific issues during the trial: first, whether the attack on the Haskanita base on 29 September 2007 was unlawful;

secondly, whether the accused persons were aware of the factual circumstances that established the unlawful nature of the attack; and thirdly, whether the African Union Mission in Sudan was a peacekeeping mission in accordance with the Charter of the United Nations. These are the issues to be discussed in court, and are highly relevant to peacekeeping operations in the future. The dates for the hearings are not yet scheduled.

Let me focus on the arrest warrants issued by the Court against President Al-Bashir, which unveiled and documented war crimes, crimes against humanity and a genocidal policy of extermination implemented since 2003 against three ethnic groups: the Fur, Massalit and Zaghawa. I will also touch on the arrest warrants issued against Ahmad Harun and Ali Kushayb.

As detailed in my written report, crimes against humanity and genocide continue unabated in Darfur. Air attacks on civilians and direct killings of members of these ethnic groups have continued over the past six months. The direct targeting of villages continues, causing still further displacements. Most of the Fur, Zaghawa and Massalit now live in camps for internally displaced persons or refugees. These millions of displaced victims are still subject today to rape, terror and conditions of life aimed at the destruction of their communities, constituting genocide.

The mandate of the International Criminal Court is to end impunity in order to prevent future crimes. We share this mission with the Security Council, the African Union and the Government of the Sudan. The efficacy of our common efforts will depend greatly on how we share information with each other and learn from it. The prosecution is trying to improve its practice in this area, linking the information collected with the current behaviour of the suspects.

The work of the Court has documented that the crimes in Darfur are the consequence of a strategic decision taken by the highest authorities of the Government of the Sudan, and are not the by-product of a conflict, intertribal clashes or even climate change.

One actor who has learned is President Al-Bashir. He has learned how to continue to commit crimes challenging the authority of the Security Council and ignoring resolution 1593 (2005), as well as other resolutions. He did not stop the commission of the genocide, but he is blocking the dissemination of information about the fate of the displaced. President Al-Bashir and his supporters continue to deny the

crimes, attributing them to other factors such as intertribal clashes, diverting attention by publicizing ceasefire agreements that are violated as soon as they are announced, and finally proposing the creation of special courts to conduct investigations that will never start.

At the same time, President Al-Bashir is threatening the international community with retaliation and yet more crimes. This tactic is not new; it is the documented practice of perpetrators of mass crimes — denial, cover-up and threat of repetition. Paradoxically, President Al-Bashir has successfully transformed public knowledge of his criminal behaviour into a negotiating tool. Expelling the humanitarian organizations in March 2009 was the epitome of such a strategy. It allowed for concealing the continuation of crimes, diverting the international community's attention and continuing the commission of crimes in the absence of any scrutiny. President Al-Bashir is now asking for rewards for not committing new genocides outside Darfur.

The challenge to the Security Council's authority is further evidence that the extermination of the Fur, Massalit and Zaghawa, as well as any tribe deemed disloyal to the regime, is a policy defined by the top leadership. It is calculated to ensure that the armed forces and associated militia will continue committing new crimes, with the same *modus operandi*, wherever and whenever they are instructed to do so.

The record of Ahmad Harun provides a clear demonstration of the risk of impunity and ignoring information about crimes. During the 1990s, Ahmad Harun used local militias to attack civilians in the Nuba Mountains in Kordofan. Between 2003 and 2005, Harun coordinated the attacks against civilians in Darfur as Minister of state for the Interior and head of

the Darfur security desk. That information was ignored. During the visit of then Secretary-General Kofi Annan to Darfur, Harun was assigned as Annan's official interpreter in his meetings with the Fur leaders displaced in the camps. Harun deliberately mistranslated their complaints to cover them up.

In September 2005, Harun was appointed by President Al-Bashir as Minister of State for Humanitarian Affairs in charge of the same millions of people that he forcibly displaced. In my seventh report to this Council, presented on 5 June 2008 (see S/PV.5905), I expressed concern about Harun having been dispatched to Abyei to address disputes between the Misirya and the Sudan People's Liberation Movement and Liberation Army. Following his dispatch, as I reported, Abyei was burned down, with 50,000 civilians displaced. In my ninth report, presented on 5 June 2009 (see S/PV.6135), I expressed concern about Harun's appointment as Governor of South Kordofan, on 7 May 2009. He is now presenting himself as an efficient operator, and is dubbed by some members of the international community as the man to talk to get things done.

It is the challenging responsibility of the Security Council to use the information exposed by the International Criminal Court to stop the crimes in Darfur and protect the civilians there. The Prosecution, fulfilling its mandate, is willing to assist.

The President (*spoke in French*): I thank Prosecutor Moreno-Ocampo for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to continue our discussion on the subject in a private meeting.

The meeting rose at 10.20 a.m.



Security Council

Distr.: General
8 June 2011

Original: English

Official communiqué of the 6549th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 8 June 2011, at 10.30 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 6549th meeting, held in private on 8 June 2011, the Security Council considered the item entitled 'Reports of the Secretary-General on the Sudan'.

"The President, with the consent of the Council, invited the representatives of Argentina, Armenia, Austria, Bahrain, Belgium, Burkina Faso, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Egypt, Ethiopia, Finland, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, Kuwait, Liechtenstein, Malaysia, Mexico, the Netherlands, Norway, Poland, Romania, Saudi Arabia, Serbia, Slovakia, Slovenia, Spain, the Sudan, Sweden and Turkey, at their request, to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"Pursuant to the decision taken at the 6548th meeting, the President recognized the presence of Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, at the Council table, in accordance with rule 39 of the Council's provisional rules of procedure.

"The members of the Council had an exchange of views."



Security Council

Distr.: General
8 June 2011

Original: English

Official communiqué of the 6550th (closed) meeting of the Security Council

**Held in private at Headquarters, New York, on Wednesday,
8 June 2011, at 12.30 p.m.**

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

“On 8 June 2011, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 6550th meeting in private with the troop- and police-contributing countries to United Nations Peacekeeping Force in Cyprus.

“The Security Council and the troop- and police-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Ms. Lisa Bittenheim, Special Representative of the Secretary-General and Head of the United Nations Peacekeeping Force in Cyprus.

“Members of the Council, Ms. Bittenheim, and representatives of participating contributing countries had an exchange of views.”